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No. 1.] **BILL.** [1897.

An Act to amend the Act to provide for the Division of the Township of Tilbury West.

Preamble.

WHEREAS the Corporation of the Township of Tilbury North in the County of Essex and Province of Ontario has by its petition represented that it is expedient to more completely separate the Townships of Tilbury North and Tilbury West than is provided by chapter 81 of the Acts passed in the 54th year of Her Majesty's reign, and to give the Township of Tilbury North a separate and distinct existence as a Township to as full an extent and with the same power and authority to assess and to protect the rights of its ratepayers and initiate and carry on any drainage work as if it had been an original municipality and had not at any time been connected witht the Township of Tilbury West; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

54 V. c. 81, s. 7, amended.

1. Section 7 of the Act passed in the 54th year of Her Majesty's reign, chaptered 81, is amended by striking out all the words after the word "liability" in the fifth line and substituting therefor the words following:—

Assessments for drains lying in former township of Tilbury West.

"Shall continue as a liability upon the lands and roads in the respective municipalities and shall be collected by the municipality in which the lands and roads are situate, and be handed over to the treasurer of the municipality made liable therefor by the issuing of debentures."

No. 1.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend the Act to provide for the Division of the Township of Tilbury West.

First Reading, 1897.

(Private Bill.)

MR. AULD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 2.] **BILL.** [1897.

An Act to incorporate the Town of Vankleek Hill.

Preamble.

WHEREAS the inhabitants of the Unincorporated Village of Vankleek Hill, in the Township of West Hawkesbury, in the County of Prescott, and that portion of the said Township of West Hawkesbury adjoining the said Village of Vankleek Hill, comprised within the limits hereinafter mentioned, have by their petition represented that it would greatly promote their interest, progress and prosperity, and ensure to them a better and more beneficial, economical and efficient administration of their public affairs, if the said Unincorporated Village and portion of the said Township comprised within the said limits should be separated from the said municipality and incorporated as a town; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Town incorporated.

1. On and after the passing of this Act, the said Village of Vankleek Hill and that portion of the said township of West Hawkesbury as is hereinafter specifically defined by metes and bounds, shall be and is hereby constituted a corporation or body politic, under the name of "The Corporation of the Town of Vankleek Hill," and shall enjoy and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario, under the existing municipal laws of the said Province, except where otherwise provided by this Act.

Boundaries of town.

2. The said Town of Vankleek Hill shall comprise and consist of the following lands, namely: Commencing at the south-east corner of lot number seven in the fifth concession of the said Township of West Hawkesbury, thence northerly along

the easterly boundary line of said lot number seven to a distance of eight hundred and forty feet; thence westerly parallel with the concession road between the fifth and sixth concessions of the said Township to a point on the easterly boundary line of lot number eight in said fifth concession; thence northerly along said easterly boundary line of said lot number eight a distance of two thousand and forty-eight feet; thence westerly parallel with said concession road across said lot number eight and lot number nine in said fifth concession to a point on the easterly boundary of lot number ten in said fifth concession; thence southerly along the easterly boundary of said lot number ten a distance of one thousand four hundred and eighteen feet; thence westerly parallel with said concession road across said lot number ten and lot number eleven in said fifth concession, to a point on the easterly boundary line of lot number twelve in said fifth concession; thence southerly along the easterly boundary line of said lot number twelve a distance of six hundred and thirty feet; thence westerly across said lot number twelve, parallel with said concession road, to a point on the easterly side of the public travelled road leading to L'Orignal and running between said lot number twelve and lot number thirteen in said fifth concession; thence southerly along the easterly side of said public travelled road a distance of eight hundred and forty feet more or less to the northerly side of said concession road; thence easterly along the northerly side of said concession road a distance of four hundred and sixty feet; thence southerly across said concession road and across lot number twelve in the sixth concession of said Township, parallel with the easterly side line of said lot number twelve in said sixth concession, to a distance of eleven hundred and eighty two feet from the point where said hereinbefore mentioned line intersects the southerly side of said concession road; thence easterly parallel with said concession road to a point on the westerly boundary of lot number ten in said sixth concession; thence southerly along the westerly boundary of lot number ten in said sixth concession a distance of seventeen hundred and eighty-three feet; thence easterly parallel with said concession road across lots numbers ten and nine in said sixth concession, to a point on the westerly boundary of lot number eight in said sixth concession; thence northerly along the westerly boundary of lot number eight in said sixth concession, a distance of eleven hundred and fifty feet; thence easterly parallel with said concession road across lot number eight in said sixth concession to a point on the westerly boundary of lot number seven in said sixth concession; thence northerly along the westerly boundary of said lot number seven in said sixth concession a distance of nine hundred and seventy-five feet; thence easterly parallel with said concession road across said lot number seven in said sixth concession to a point on the easterly boundary line of said lot number seven in said sixth

concession; thence northerly along the easterly boundary line of said lot number seven in said sixth concession a distance of eight hundred and forty feet more or less to the southerly side of said concession road; thence northerly in a continued straight line across said concession road to a point on the northerly side of said concession road; thence easterly along the northerly side of said concession road to the place of beginning, containing by admeasurement five hundred and sixty acres, be the same more or less.

Wards.

3. The said town shall be divided into three wards, to be called respectively the "East," "West" and "Centre" wards, bounded as follows: East ward to consist of all the lands within the said hereinbefore described boundaries, lying east of Derby Avenue, and Derby Avenue continued northerly, and north of Main Street, and east of Bertha Street, and south of Main Street; West ward to consist of all the lands within the said hereinbefore described boundaries, lying west of Derby Avenue, and Derby Avenue continued northerly, and north of Main Street, and west of High Street, and south of Main Street; and Centre ward to consist of all the lands within the said hereinbefore described boundaries, lying east of High Street, west of Bertha Street, and south of Main Street.

Municipal laws to apply.

4. The provisions of *The Consolidated Municipal Act, 1892,* and amending Acts, respecting municipal institutions, with regard to matters consequent upon the formation of new municipal corporations, and the other provisions of the said Acts, shall, except so far as herein otherwise provided, apply to the said Corporation of the Town of Vankleek Hill, in the same manner as if the same had been erected into a town under the provisions of said Acts.

Nomination for first election.

5. On the day of the month of after the passing of this Act, it shall be lawful for Frederick William Thistlewaite, or the Clerk of the Municipality for the time being, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor and councillors at the Town Hall, in the said Town of Vankleek Hill, at the hour of noon, of which due notice shall be given, in the same manner as the same would be given if the said Town of Vankleek Hill had been incorporated under the provisions of *The Consolidated Municipal Act, 1892,* and he shall preside at the said nomination, or in case of his absence, the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer, and the polling for the said election (if necessary) shall be held on the same day of the week next following the said nomination, and the returning officer or chairman shall at the close of the nomination, publicly announce the place in each Ward at which the polling shall take place.

Deputy returning officers.

6. The said returning officer shall by his warrant appoint a deputy returning officer for each of the Wards into which the Town is divided, and such returning officer and each deputy returning officer shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers, at elections in Towns, in so far as the same do not conflict with this Act, and the said returning officer shall have all the powers and perform all the duties devolving on town clerks with respect to municipal elections in towns.

Clerk of the township of West Hawkesbury to furnish copy of Assessment Roll.

7. The Clerk of the said Township of West Hawkesbury. shall, upon demand made upon him by the said returning officer, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll for the said Township, as may be required to ascertain the names of the persons entitled to vote in each of the said wards, at the said first election, and the said returning officer shall furnish each of the said deputy returning officers with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and such copy shall be verified on oath.

Council.

8. The Council of the said Town, to be elected in manner aforesaid, shall consist of the Mayor, who shall be the head thereof, and nine Councillors, three Councillors being elected for each Ward.

First meeting of council.

9. The Mayor and Councillors so to be elected shall hold their first meeting at the Town Hall, in the said Town of Vankleek Hill, at ten o'clock in the forenoon of the same day of the week next following the polling, and if there shall not be any polling, on the same day of the week next following the nomination.

Oaths of office and qualifications.

10. The several persons who shall be elected or appointed under this Act, shall take the declarations of office and qualification now required by the municipal laws of Ontario, to be taken by persons elected or appointed to like offices in towns.

Qualification at first election.

11. At the first election of mayor and councillors for the said Town of Vankleek Hill, the qualification of electors and that of officers required to qualify, shall be the same as that required in townships by the municipal laws of Ontario.

Expenses of Act.

12. The expenses incurred in obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the Clerk or other officer of the said Town of Vankleek Hill, or otherwise, shall be borne by the said Town, and paid by it to any person entitled thereto.

13. All by-laws and municipal regulations which are in force in the Municipality of West Hawkesbury shall continue and be in force as if they had been passed by the corporation of the Town of Vankleek Hill and shall extend to and have full effect within the limits of the Town hereby incorporated, until repealed by the new Corporation. By-laws continued.

14. The Council of the said Town shall be entitled to recover from the said Municipality of West Hawkesbury, such share of all moneys on hand, due, owing, or of right collectable by and belonging to the said Municipality at, and prior to the said time of incorporation or thereafter if entitled thereto as shall bear such proportion to the whole as the amount of the assessed property within the limits of the said Town as shown by the assessment roll of the year one thousand eight hundred and ninety-six and seven bears to the whole amount of the assessed property of the said Municipality; the settlement between the said Town and Municipality within the meaning of this section to be made within six months from the time this Act shall come into force and in case of disagreement the same shall be determined by arbitration under *The Consolidated Municipal Act, 1892*. Rights and liabilities between town and township. 55 V. c. 42.

No. 2.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to incorporate the Town of Vankleek Hill.

First Reading, February, 1897.

(Private Bill.)

Mr. EVANTUREL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 2.] BILL. [1897.

An Act to incorporate the Town of Vankleek Hill.

Preamble.

WHEREAS the inhabitants of the unincorporated Village of Vankleek Hill, in the Township of West Hawkesbury, in the County of Prescott, and that portion of the said Township of West Hawkesbury adjoining the said *unincorporated* Village of Vankleek Hill, comprised within the limits hereinafter mentioned, have by their petition represented that it would greatly promote their interest, progress and prosperity, and ensure to them a better and more beneficial, economical and efficient administration of their public affairs, if the said unincorporated Village and portion of the said Township comprised within the said limits should be separated from the said municipality and incorporated as a town ☞ and whereas no opposition has been offered to the granting of the prayer of the said petition; ☜ and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Town incorporated.

1. On and after the passing of this Act, the said *unincorporated* Village of Vankleek Hill and that portion of the said township of West Hawkesbury as is hereinafter specifically defined by metes and bounds, shall be and is hereby constituted a corporation or body politic, under the name of "The Corporation of the Town of Vankleek Hill," and shall enjoy and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario, under the existing municipal laws of the said Province, except where otherwise provided by this Act.

Boundaries of town.

2. The said Town of Vankleek Hill shall comprise and consist of the following lands, namely: Commencing at the south-east corner of lot number seven in the fifth concession of the

said Township of West Hawkesbury, thence northerly along the easterly boundary line of said lot number seven to a distance of eight hundred and forty feet; thence westerly parallel with the concession road between the fifth and sixth concessions of the said Township to a point on the easterly boundary line of lot number eight in said fifth concession; thence northerly along said easterly boundary line of said lot number eight a distance of two thousand and forty-eight feet; thence westerly parallel with said concession road across said lot number eight and lot number nine in said fifth concession to a point on the easterly boundary of lot number ten in said fifth concession; thence southerly along the easterly boundary of said lot number ten a distance of one thousand four hundred and eighteen feet; thence westerly parallel with said concession road across said lot number ten and lot number eleven in said fifth concession, to a point on the easterly boundary line of lot number twelve in said fifth concession; thence southerly along the easterly boundary line of said lot number twelve a distance of six hundred and thirty feet; thence westerly across said lot number twelve, parallel with said concession road, to a point on the easterly side of the public travelled road leading to L'Orignal and running between said lot number twelve and lot number thirteen in said fifth concession; thence southerly along the easterly side of said public travelled road a distance of eight hundred and forty feet more or less to the northerly side of said concession road; thence easterly along the northerly side of said concession road a distance of four hundred and sixty feet; thence southerly across said concession road and across lot number twelve in the sixth concession of said Township, parallel with the easterly side line of said lot number twelve in said sixth concession, to a distance of eleven hundred and eighty two feet from the point where said hereinbefore mentioned line intersects the southerly side of said concession road; thence easterly parallel with said concession road to a point on the westerly boundary of lot number ten in said sixth concession; thence southerly along the westerly boundary of lot number ten in said sixth concession a distance of seventeen hundred and eighty-three feet; thence easterly parallel with said concession road across lots numbers ten and nine in said sixth concession, to a point on the westerly boundary of lot number eight in said sixth concession; thence northerly along the westerly boundary of lot number eight in said sixth concession, a distance of eleven hundred and fifty feet; thence easterly parallel with said concession road across lot number eight in said sixth concession to a point on the westerly boundary of lot number seven in said sixth concession; thence northerly along the westerly boundary of said lot number seven in said sixth concession a distance of nine hundred and seventy-five feet; thence easterly parallel with said concession road across said lot number seven in said sixth concession to a point on the

easterly boundary line of said lot number seven in said sixth concession; thence northerly along the easterly boundary line of said lot number seven in said sixth concession a distance of eight hundred and forty feet more or less to the southerly side of said concession road; thence northerly in a continued straight line across said concession road to a point on the northerly side of said concession road; thence easterly along the northerly side of said concession road to the place of beginning, containing by admeasurement five hundred and sixty acres, be the same more or less.

Wards.

3. Subject to the provisions of an Act of the present session of the Legislative Assembly of Ontario respecting town councils, the said town shall be divided into three wards, to be called respectively the "East," "West" and "Centre" wards, bounded as follows: East ward to consist of all the lands within the said hereinbefore described boundaries, lying east of Derby Avenue, and Derby Avenue continued northerly, and north of Main Street, and east of Bertha Street, and south of Main Street; West ward to consist of all the lands within the said hereinbefore described boundaries, lying west of Derby Avenue, and Derby Avenue continued northerly, and north of Main Street, and west of High Street, and south of Main Street; and Centre ward to consist of all the lands within the said hereinbefore described boundaries, lying east of High Street, west of Bertha Street, and south of Main Street.

Municipal laws to apply.

4. The provisions of *The Consolidated Municipal Act, 1897*, and amending Acts, respecting municipal institutions, with regard to matters consequent upon the formation of new municipal corporations, and the other provisions of the said Acts, shall, except so far as herein otherwise provided, apply to the said Corporation of the Town of Vankleek Hill, in the same manner as if the same had been erected into a town under the provisions of said Acts.

Nomination for first election.

5. On the *first Monday* of the month of *May, 1897*, it shall be lawful for Frederick William Thistlewaite, or the Clerk of the Municipality for the time being, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor and councillors at the Town Hall, in the said Town of Vankleek Hill, at the hour of noon, of which due notice shall be given, in the same manner as the same would be given if the said Town of Vankleek Hill had been incorporated under the provisions of *The Consolidated Municipal Act, 1892*, and he shall preside at the said nomination, or in case of his absence, the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer, and the polling for the said election (if necessary) shall be held on the same day of the week next following the said nomination and the return-

ing officer or chairman shall at the close of the nomination, publicly announce the place *or places* in each Ward at which the polling shall take place.

Deputy returning officers.

6. The said returning officer shall by his warrant appoint a deputy returning officer for each of the *polling divisions* into which the Town is divided, and such returning officer and each deputy returning officer shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers, at elections in Towns, in so far as the same do not conflict with this Act, and the said returning officer shall have all the powers and perform all the duties devolving on town clerks with respect to municipal elections in towns.

Clerk of the township of West Hawkesbury to furnish copy of Assessment Roll.

7. The Clerk of the said Township of West Hawkesbury. shall, upon demand made upon him by the said returning officer, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll for the said Township, as may be required to ascertain the names of the persons entitled to vote in each of the said wards, at the said first election, and the said returning officer shall furnish each of the said deputy returning officers with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said *polling divisions* respectively, and such copy shall be verified on oath

Council.

8. The Council of the said Town, to be elected in manner aforesaid, shall consist of the Mayor, who shall be the head thereof, and *six* Councillors, *two* Councillors being elected for each Ward: ☞provided, however, that this section shall be subject to the provisions of any Act that may be passed during the present session of the Legislature respecting town councils.☜

First meeting of council.

9. The Mayor and Councillors so to be elected shall hold their first meeting at the Town Hall, in the said Town of Vankleek Hill, at ten o'clock in the forenoon of the same day of the week next following the polling, and if there shall not be any polling, on the same day of the week next following the nomination.

Oaths of office and qualifications.

10. The several persons who shall be elected or appointed under this Act, shall take the declarations of office and qualification now required by the municipal laws of Ontario, to be taken by persons elected or appointed to like offices in towns.

Qualification at first election.

11. At the first election of mayor and councillors for the said Town of Vankleek Hill, the qualification of electors and

that of officers required to qualify, shall be the same as that required in townships by the municipal laws of Ontario.

Expenses of Act.

12. The expenses incurred in obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the Clerk or other officer of the said Town of Vankleek Hill, or otherwise, shall be borne by the said Town, and paid by it to any person entitled thereto.

By-laws continued.

13. All by-laws and municipal regulations which are in force in the Municipality of West Hawkesbury shall continue and be in force as if they had been passed by the corporation of the Town of Vankleek Hill and shall extend to and have full effect within the limits of the Town hereby incorporated, until repealed by the new Corporation.

Rights and liabilities between town and township.

14. The Council of the said Town shall be entitled to recover from the said Municipality of West Hawkesbury, such share of all moneys on hand, due, owing, or of right collectable by and belonging to the said Municipality at, and prior to the said time of incorporation or thereafter if entit'ed thereto as shall bear such proportion to the whole as the amount of the assessed property within the limits of the said Town as shown by the assessment roll of the year one thousand eight hundred and ninety-six and seven bears to the whole amount of the assessed property of the said Municipality : the settlement between the said Town and Municipality within the meaning of this section to be made within six months from the time this Act shall come into force and in case of disagreement the same shall be determined by arbitration under *The Consolidated Municipal Act, 1892.* 55 V. c. 42.

No. 2.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to incorporate the Town of Vankleek Hill.

First Reading, 4th March, 1897.

(Reprinted as amended by Private Bills Committee.)

Mr. EVANTUREL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 3.] **BILL.** [1897.

An Act respecting The Finance Committee of the Church Missionary Society in Rupert's Land.

Preamble.

WHEREAS The Finance Committee of the Church Missionary Society in Rupert's Land was incorporated by an Act passed by the Legislature of the Province of Manitoba, in the Session held in the 37th and 38th year of Her Majesty's reign, chaptered 22 ; and whereas the Diocese of Rupert's Land includes a portion of the north-western part of the Province of Ontario ; and whereas the said corporation has by its petition prayed that an Act may be passed empowering it to hold land in the Province of Ontario and for certain other purposes ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Corporation to be deemed such in Ontario.

1. The said, The Finance Committee of the Church Missionary Society in Rupert's Land, as constituted under and by virtue of the said Act of the Province of Manitoba, shall be and is hereby declared to be, a body politic and corporate in the Province of Ontario, in the same manner and to the same extent as if the said corporation had been incorporated by or under the authority of the Legislature of the Province of Ontario, and shall in the Province of Ontario, possess all the powers, rights and privileges incident to a body corporate and politic so declared by an Act of the Legislature of this Province.

Who to be members.

2. The persons who are at present members of the said corporation, shall be and continue to be members thereof until

their successors are appointed from time to time in the manner provided in the said Act of incorporation passed by the Legislature of the Province of Manitoba.

Power to take gifts, legacies etc., and to hold lands.

3. The said corporation is authorized and empowered to take all gifts, legacies and bequests of money or other personalty, and to purchase, acquire, hold, possess and enjoy so much land as may from time to time be necessary for the actual use and occupation of the said corporation, whether the same be acquired by gift, devise or purchase, and the said corporation in addition to such lands as may be acquired for its actual use and occupation as aforesaid, is hereby authorized and empowered to take by gift, devise or bequest, lands, tenements or hereditaments, and interest therein, the annual value of which, together with all other lands, tenements or hereditaments, or any interest therein, theretofore acquired and held by the said corporation, shall not exceed in the whole of annual value of ; but such last mentioned lands, tenements and hereditaments shall not be held for a longer period than seven years from the acquisition thereof, and shall within that period, be absolutely disposed of by the said corporation ; and so much of the said lands, tenements or hereditaments as have not, in the said period, been disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns ; and all or any part of the moneys derived therefrom, or from any other source, may be invested from time to time in mortgage securities on real estate, whether freehold or leasehold, and also in municipal debentures, or the debentures of any society or company in which trustees are authorised to invest trust funds, under the Acts in force in this Province relating to investments by trustees.

Power to pass by laws etc.

4. The said corporation shall have full power and authority to make and establish by-laws, rules, orders and regulations, not being contrary to their said Act of incorporation or to this Act, or to the laws in force in this Province, as shall be deemed useful or necessary for the interests of the said corporation, and for the management thereof, and the affairs and property of the said corporation in this Province, and from time to time may amend, alter or repeal the said bylaws, rules, orders and regulations, or any or all of them, in such manner as the said corporation may be deemed expedient.

No. 3.

3rd Session, 8th Legislature, 60 Vic., 1897.

BILL.

An Act respecting The Finance Committee of the Church Missionary Society in Rupert's Land.

First Reading, 1897.

(Private Bill.)

Mr. DICKENSON.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 3.] **BILL.** [1897.

An Act respecting The Finance Committee of the Church Missionary Society in Rupert's Land.

Preamble. WHEREAS The Finance Committee of the Church Missionary Society in Rupert's Land was incorporated by an Act passed by the Legislature of the Province of Manitoba, in the Session held in the 37th and 38th year of Her Majesty's reign, chaptered 22; and whereas the Diocese of Rupert's Land includes a portion of the north-western part of the Province of Ontario; and whereas the said corporation has by its petition prayed that an Act may be passed empowering it to hold land in the Province of Ontario and for certain other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Corporation to be deemed such in Ontario **1.** The said, The Finance Committee of the Church Missionary Society in Rupert's Land, as constituted under and by virtue of the said Act of the Province of Manitoba, shall be and is hereby declared to be, a body politic and corporate in the Province of Ontario, in the same manner and to the same extent as if the said corporation had been incorporated by or under the authority of the Legislature of the Province of Ontario, and shall in the Province of Ontario, possess all the powers, rights and privileges incident to a body corporate and politic so declared by an Act of the Legislature of this Province.

Who to be members. **2.** The persons who are at present members of the said corporation, shall be and continue to be members thereof until

their successors are appointed from time to time in the manner provided in the said Act of incorporation passed by the Legislature of the Province of Manitoba.

Power to take gifts, legacies etc., and to hold lands.

3. The said corporation is authorized and empowered to take all gifts, legacies and bequests of money or other personalty, and to purchase, acquire, hold, possess and enjoy so much land as may from time to time be necessary for the actual use and occupation of the said corporation ☞within that portion of the Province of Ontario included in the said diocese of Rupert's Land,☜ whether the same be acquired by gift, devise or purchase, and the said corporation in addition to such lands as may be acquired for its actual use and occupation as aforesaid, is hereby authorized and empowered to take by gift, devise or bequest, lands, tenements or hereditaments ☞within the limits of the said diocese and in the Province of Ontario,☜ and *any* interest therein, the annual value of which, together with all other lands, tenements or hereditaments, or any interest therein, theretofore acquired and held by the said corporation, shall not exceed in the whole *the* annual value of *$5,000*; but such last mentioned lands, tenements and hereditaments shall not be held for a longer period than seven years from the acquisition thereof, and shall within that period, be absolutely disposed of by the said corporation; and so much of the said lands, tenements or hereditaments as have not, in the said period, been disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns; and all or any part of the moneys derived therefrom, or from any other source, may be invested from time to time in mortgage securities on real estate, whether freehold or leasehold, and also in municipal debentures, or the debentures of any society or company in which trustees are authorised to invest trust funds, under the Acts in force in this Province relating to investments by trustees.

Power to pass by laws etc.

4. The said corporation shall have full power and authority to make and establish by-laws, rules, orders and regulations, not being contrary to their said Act of incorporation or to this Act, or to the laws in force in this Province, as shall be deemed useful or necessary for the interests of the said corporation, and for the management thereof, and the affairs and property of the said corporation in this Province, and from time to time may amend, alter or repeal the said bylaws, rules, orders and regulations, or any or all of them, in such manner as the said corporation may be deemed expedient, ☞provided that nothing in this Act contained shall be taken or construed to authorize the said corporation to carry on its work or to hold lands in any other part of the Province of Ontario except that portion thereof included in the said diocese of Rupert's Land.☜

No. 3.

3rd Session, 8th Legislature, 60 Vic., 1897.

BILL.

An Act respecting The Finance Committee of the Church Missionary Society in Rupert's Land.

First Reading, 16th March, 1897.

(Reprinted as amended by Private Bills Committee.)

Mr. DICKENSON.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 4.] BILL. [1897.

An Act respecting the Marriage Settlement of Robert George Dickson and Mary Catherine Dickson.

Preamble.

WHEREAS, William Henry Lockhart Gordon and Alexander Sampson, trustees under the marriage settlement of Robert George Dickson and Mary Catherine Dickson have by their petition set forth that by a marriage settlement made on the 11th day of April, A. D. 1877, in contemplation of the marriage then intended to take place and which subsequently did take place between Captain Robert George Dickson and Mary Catherine Morrison (now Mary Catherine Dickson) the said Captain Robert George Dickson did assign and transfer to Thomas Street Plumb, of the City of Toronto, Esquire, and John Geale Dickson, of the Town of Niagara, in the County of Lincoln, Esquire, certain moneys then bequeathed to him by his paternal uncle, one William Dickson, of the Town of Galt; and whereas the said Thomas Street Plumb and John Geale Dickson having subsequently retired from the said trust, the said William Henry Lockhart Gordon and Alexander Sampson were duly appointed trustees in their place and stead: and whereas it appears by the said petition that the said Captain Robert George Dickson and Mary Catherine Dickson and their children, the cestuis que trustent under the said deed of settlement, have requested the said trustees to apply the sum of $2,000, being part of the corpus of the trust fund, in the purchase of a property in the Town of Niagara, to be used as a homestead for the said family, and have also requested that the powers of the trustees as to the investment of the trust fund may be enlarged by enabling them to invest in Government securities of the Dominion of Canada and United States of America and of any Province of Canada and in municipal debentures and street railway debentures; and whereas the said marriage settlement confers no power on the said trustees to invest any of the trust moneys in the purchase of real estate and only allows the said trustees to invest the

said trust moneys on the security of mortgages over real estate in the Province of Ontario; and whereas it appears to be in the interests of the said parties for whom the said trust moneys are held that a homestead should be purchased for them and also that the trustees should have power to invest the said trust funds on the securities above mentioned as set forth in the said petition as well as on mortgage security as provided in the deed of settlement; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to purchase land as a homestead for cestuis que trustent.

1. In addition to the powers conferred on the said trustees in and by the said marriage settlement the trustees for the time being of the said marriage settlement are hereby authorized and empowered to apply $2,000 of the corpus of the said trust funds in the purchase of a property to be used as a homestead for the said Robert George Dickson, Mary Catherine Dickson and their children with power from time to time at the request of the said Robert George Dickson and Mary Catherine Dickson or the survivor of them or on the death of the survivor at the request of a majority of the children then alive to sell and convey the same and apply the proceeds either in the purchase of another homestead, or to invest the same on the securities mentioned in the said deed of trust or as hereby authorized.

Investment of remainder of trust funds.

2. The trustees for the time being of the said settlement are hereby authorized and empowered to invest the remainder of the said trust funds in Government securities of the Dominion of Canada or of the United States of America or of any Province in Canada or in municipal debentures or street railway debentures as well as in the securities mentioned in the said deed of trust.

Expenses of Act.

3. The costs and expenses of and incidental to the passing of this Act may be paid by the trustees out of the corpus of the said trust funds.

No. 4.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Marriage Settlement of Robert George Dickson and Mary Catherine Dickson.

First Reading, 1897.

(Private Bill.)

Mr.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 4.] BILL. [1897.

An Act respecting the Marriage Settlement of Robert George Dickson and Mary Catherine Dickson.

Preamble.

WHEREAS, William Henry Lockhart Gordon and Alexander Sampson, trustees under the marriage settlement of Robert George Dickson and Mary Catherine Dickson have by their petition set forth that by a marriage settlement made on the 11th day of April, A. D. 1877, in contemplation of the marriage then intended to take place and which subsequently did take place between Captain Robert George Dickson and Mary Catherine Morrison (now Mary Catherine Dickson) the said Captain Robert George Dickson did assign and transfer to Thomas Street Plumb, of the City of Toronto, Esquire, and John Geale Dickson, of the Town of Niagara, in the County of Lincoln, Esquire, certain moneys then bequeathed to him by his paternal uncle, one William Dickson, of the Town of Galt; and whereas the said Thomas Street Plumb and John Geale Dickson having subsequently retired from the said trust, the said William Henry Lockhart Gordon and Alexander Sampson were duly appointed trustees in their place and stead: and whereas it appears by the said petition that the said Captain Robert George Dickson and Mary Catherine Dickson and their children, the cestuis que trustent under the said deed of settlement, have requested the said trustees to apply the sum of $2,000, being part of the corpus of the trust fund, in the purchase of a property in the Town of Niagara, to be used as a homestead for the said family, and have also requested that the powers of the trustees as to the investment of the trust fund may be enlarged by enabling them to invest in Government securities of the Dominion of Canada and of any Province of Canada and in municipal debentures; and whereas the said marriage settlement confers no power on the said trustees to invest any of the trust moneys in the purchase of real estate and only allows the said trustees to invest the said trust moneys on the security of mortgages over real

estate in the Province of Ontario; and whereas it appears to be in the interests of the said parties for whom the said trust moneys are held that a homestead should be purchased for them and also that the trustees should have power to invest the said trust funds on the securities above mentioned as set forth in the said petition as well as on mortgage security as provided in the deed of settlement; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to purchase land as a homestead for cestuis que trustent

1. In addition to the powers conferred on the said trustees in and by the said marriage settlement the trustees for the time being of the said marriage settlement are hereby authorized and empowered to apply $2,000 of the corpus of the said trust funds in the purchase of a property to be used as a homestead for the said Robert George Dickson, Mary Catherine Dickson and their children with power from time to time at the request of the said Robert George Dickson and Mary Catherine Dickson or the survivor of them or on the death of the survivor at the request of a majority of the children then alive to sell and convey the same and apply the proceeds either in the purchase of another homestead, or to invest the same on the securities mentioned in the said deed of trust or as hereby authorized, and after the death of the said Robert George Dickson and Mary Catherine Dickson and the sale of the said property to hold or distribute the proceeds of sale, subject to the provisions of the said marriage settlement.

Investment of remainder of trust funds.

2. The trustees for the time being of the said settlement are hereby authorized and empowered to invest the remainder of the said trust funds in Government securities of the Dominion of Canada or of any Province in Canada or in municipal debentures as well as in the securities mentioned in the said *marriage settlement.*

Expenses of Act.

3. The costs and expenses of and incidental to the passing of this Act may be paid by the trustees out of the corpus of the said trust funds.

No. 4.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Marriage Settlement of Robert George Dickson and Mary Catherine Dickson.

First Reading, 9th March, 1897.

(Reprinted as amended by the Private Bills Committee.)

Mr. GERMAN.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 5.] BILL. [1897.

An Act to confirm By-law No. 152 of the Village of Drayton.

Preamble. WHEREAS the municipal corporation of the Village of Drayton have, by their petition, represented that the said corporation passed a By law No. 152, intituled "A By-law to raise by way of loan the sum of three thousand five hundred dollars, with interest at six per cent. per annum, for the purpose of loaning the said sum of three thousand five hundred dollars to Messrs. Hilborn and Pfeffer, of Drayton, millers, on the security of their new flour mill; they to pay the said sum of three thousand five hundred dollars back to the corporation of the Village of Drayton with interest at six per cent. per annum in the space of ten years from the passing of this By-law," wherein it was enacted that the said corporation of the Village of Drayton might borrow the sum of three thousand five hundred dollars and loan the same to Messrs. Hilborn and Pfeffer on the security of their new flour mill, repayable in ten years from the passing of the said by-law in ten consecutive equal annual instalments, with interest thereon at six per centum per annum; and whereas the said by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws, as provided by *The Consolidated Municipal Act, 1892*, and one hundred and three of the ratepayers qualified to vote as aforesaid voted in favor of the said by-law, and only twenty-two ratepayers voted against it; and whereas the said corporation have by their petition prayed that the said by-law may be confirmed and declared legal and valid; and whereas it is expedient to grant the prayer of the said petition; 55 V. c. 42.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 152 confirmed. **1**. The said by-law No. 152 of the Village of Drayton, intituled as in the preamble of this Act and set out in Schedule A to this Act, is confirmed and declared to be valid

and binding from the time of the passing thereof to all intents and purposes, and the said corporation is declared to have been authorized by the said by-law No. 152 to borrow the sum of $3,500 on the terms and in the manner set out in the said by-law, and to loan the same to Messrs. Hilborn and Pfeffer, repayable in ten years from the passing of the said by-law on the security of their flour mill in the said Village of Drayton, with interest as provided for, and in pursuance of the terms of the said by-law and all acts done or to be done and all payments made or to be made by the said corporation pursuant to the said By-law No. 152, and hereby declared to be valid and binding anything in any Act to the contrary notwithstanding.

SCHEDULE A.

Village of Drayton.

By-law no. 152.

A by-law of the Village of Drayton, County of Wellington, Province of Ontario, to raise, by way of loan, the sum of three thousand five hundred dollars with interest at six per cent. per annum, for the purpose of loaning the said sum of three thousand five hundred dollars to Messrs. Hilborn and Pfeffer, of Drayton; millers, on the security of their new flour mill, they to pay the said sum of three thousand five hundred dollars back to the corporation of the Village of Drayton, with interest at six per cent. per annum, in the space of ten years, from the passing of this by-law.

Whereas, it is necessary and expedient to raise the sum of three thousand five hundred dollars for the purpose of loaning the said sum of three thousand five hundred dollars to Messrs. Hilborn and Pfeffer, on the security of their new flour mill (situated on Wellington street, in the corporation of the Village of Drayton) at a rate of interest of six per cent. per annum, to be repaid by them to the said corporation in the space of ten years, Messrs. Hilborn and Pfeffer, to pay back to the corporation of the said Village of Drayton the said sum of three thousand five hundred dollars with interest at six per cent. per annum, in ten equal annual instalments, from the date of the passing of this by-law;

And whereas, it will be requisite to raise the several sums in each year respectively set forth in the schedule to this by-law;

And whereas, the amount of the whole rateable property of the said municipality, according to the last revised assessment roll, amounts to one hundred and fifty-four thousand nine hundred and ten dollars;

And whereas, the amount of the existing debenture debt of the said municipality is twenty-six hundred and seventeen dollars and sixty-eight cents, of which no principal or interest is in arrear;

Therefore, the municipal council of the corporation of the said Village of Drayton enacts as follows:—

1. It shall be lawful for the reeve of the said Village of Drayton for the purposes aforesaid to borrow the said sum of three thousand five hundred dollars at a rate of interest of six per cent. per annum, and to issue debentures of the said municipality to the amount of three thousand five hundred dollars in sums of not less than one hundred dollars each, with interest coupons attached, payable in the manner, for the amounts, and at the times respectively set forth in the schedule to this by-law.

2. The said debentures, and principal and interest, shall be payable at the Traders' Bank, at the Village of Drayton aforesaid.

3. It shall be lawful for the reeve of the said municipality, and he is hereby authorized and instructed to sign and issue the said debentures, hereby authorized to be issued, and to cause the same, and the interest coupons attached thereto, to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

4. There shall be raised and levied in each year by special rate on all the ratable property in the said municipality, a sum sufficient to discharge the several instalments of principal and interest, accruing due on the said debt, as the same become respectively payable, according to the schedule to this by-law.

5. This by-law shall take effect on Tuesday, the twenty-sixth day of May, A.D. 1896.

6. The votes of the qualified ratepayers of the said municipality shall be taken on this by-law, at the following times and places, that is to say, on Monday, the eighteenth day of May next, A. D. 1896, at the hour of nine o'clock in the forenoon, and continuing until five of the clock in the afternoon, and no longer, on the same day, at Whyte's hall, in the said Village of Drayton.

7. On Saturday, the second day of May, A.D. 1896, the reeve shall attend at the council chamber at two o'clock in the afternoon, to appoint persons to attend at the various polling places, and at the final summing up of the votes by the clerk respectively, on behalf of the persons interested in and promoting or opposing the passing of this by-law.

8. The clerk of the council of the said municipality shall attend at Whyte's hall, in the Village of Drayton, at twelve o'clock, noon, on Tuesday, the nineteenth day of May, A.D. 1896, and sum up the number of votes given for and against this by-law.

SCHEDULE.

No. of Deb.	Date when due.	Principal.	Interest at 6 p. c.	Total.
		$ c.	$ c	$ c.
1.....	May 26, 1897.....	265 54	210 00	475 54
2.....	May 26, 1898.....	281 47	194 07	475 54
3.....	May 26, 1899.....	298 36	177 18	475 54
4.....	May 26, 1900.....	316 26	159 28	475 54
5.....	May 26, 1901.....	335 22	140 31	475 54
6.....	May 26, 1902.....	355 35	120 19	475 54
7.....	May 26, 1903.....	376 67	98 87	475 54
8.....	May 26, 1904.....	399 27	76 27	475 54
9.....	May 26, 1905.....	423 23	52 31	475 54
10.....	May 26, 1906.....	448 62	26 92	475 54
		3,500 00	.....	.....

Passed in council, after receiving the assent of ratepayers, and dated this twenty-sixth day of May, 1896, and numbered 152.

CORPORATE SEAL.

(Sgd.) W. T. HAMBLY,
Reeve.

(Sgd.) R. H. ASHBURY,
Clerk.

No. 5.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to confirm By-law No. 152 of the Village of Drayton.

First Reading, , 1897.

(Private Bill.)

Mr. TUCKER.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 5.] BILL. [1897.

An Act respecting the Village of Drayton.

Preamble. WHEREAS the municipal corporation of the Village of Drayton have, by their petition, represented that the said corporation passed a By-law No. 152, intituled "A By-law to raise by way of loan the sum of three thousand five hundred dollars, with interest at six per cent. per annum, for the purpose of loaning the said sum of three thousand five hundred dollars to Messrs. Hilborn and Pfeffer, of Drayton, millers, on the security of their new flour mill; they to pay the said sum of three thousand five hundred dollars back to the corporation of the Village of Drayton with interest at six per cent. per annum in the space of ten years from the passing of this By-law," wherein it was enacted that the said corporation of the Village of Drayton might borrow the sum of three thousand five hundred dollars and loan the same to Messrs. Hilborn and Pfeffer on the security of their new flour mill, repayable in ten years from the passing of the said by-law in ten consecutive equal annual instalments, with interest thereon at six per centum per annum; and whereas the said by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws, as provided by *The Consolidated Municipal Act, 1892*, and one hundred and three of the ratepayers qualified to vote as aforesaid voted in favor of the said by-law, and only twenty-two ratepayers voted against it; and whereas the said corporation have by their petition prayed that the said by-law may be confirmed and declared legal and valid; and whereas in considering the said petition it has been made to appear that the repealed provisions of *The Municipal Act* as amended by *The Municipal Amendment Act, 1888*, relating to the granting of bonuses to manufacturers, have not in all respects been complied with, and it is not considered expedient to grant the prayer of the said petition, but it has been made to appear to be desirable

55 V. c. 42.

and expedient that the said corporation shall be authorized and empowered to pass another by-law similar in terms to the said by-law No. 152 authorizing the said corporation to borrow the sum of $3,500, and to loan the same to the said Messrs. Hilborn and Pfeffer on the terms (as nearly as may be) set forth in the said by-law No. 152, subject, however, to the compliance in all respects with the provisions and conditions hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to raise money by way of loan.

1.—(1) It shall be lawful for the corporation of the village of Drayton to raise by way of loan the sum of three thousand five hundred dollars, with interest at six per cent. per annum, for the purpose of loaning the said sum of three thousand five hundred dollars to the said Messrs. Hilborn and Pfeffer on the security of their new flour mill, and to issue debentures to raise money for the purposes aforesaid, and to do all other acts in connection therewith as if the power to grant bonuses was still vested in municipalities.

(2) No by-law for raising such sum by way of loan under or in pursuance of the provisions of this Act shall be valid where the *said loan* would for its payment together with the payment of bonuses (*if any*) already granted by the said village corporation require an annual levy for principal and interest exceeding ten per cent. of the total annual municipal taxation thereof.

Assent of electors required.

2. No such aid shall be given till after the passing of a by-law by the municipal council of the said village for the purpose and the adoption of such by-law by the qualified electors as provided in *The Consolidated Municipal Act, 1892*, for the creation of debts, and except as herein otherwise provided all the provisions of *The Consolidated Municipal Act, 1892*, relating to the creation of debts and the assent of the qualified ratepayers shall apply.

55 V. c. 42.

Majority required.

3. Notwithstanding anything contained in the preceding section of this Act the vote of two-thirds in the affirmative of the ratepayers of the said village of *Drayton* who are entitled to vote on such by-law as well as a majority of the ratepayers voting on the by-law shall be necessary in order to the carrying of the by-law.

Certificate of clerk as to majority. 55 V. c. 42.

4. In addition to the certificate required by section 318 of *The Consolidated Municipal Act, 1892*. the clerk, in case of a majority of votes being in favor of the by-law, shall further certify whether or not, as shown by the voters' list such majority appears to be two-thirds of all the voters who are entitled to vote on the by-law.

Deciding disputes as to result of vote.

5. In case of a dispute as to the result of the vote on any by-law submitted under this Act the County Judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

Proceedings on scrutiny.

6. The petition to the Judge may be by an elector or by the council, and the proceedings for obtaining the Judge's decision shall be the same as nearly as in the case of a scrutiny.

Application of certain sections of 55 V. c. 42.

7. Sections 209 to 222, 293 to 319 and sections 321 to 328 inclusive, of *The Consolidated Municipal Act, 1892*, and their subsections shall be taken and considered as part of this Act.

Application of general provisions as to creation of debts.

8. Except as otherwise provided in this Act, all the clauses of *The Consolidated Municipal Act, 1892*, relating to the creation of debts, the issue of debentures and the time and manner of repayment of the same, shall apply and be read as part of this Act.

No. 5.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Village of Drayton.

First Reading, 23rd February, 1897.

(Reprinted as amended by Private Bills Committee.)

Mr. TUCKER.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 6.] **BILL.** [1897.

An Act to confirm By-law No. 586, of the Town of Berlin.

Preamble. WHEREAS the municipal corporation of the Town of Berlin have by their petition represented that the said corporation passed a by-law, No. 586, entitled "By-Law No. 586, to authorize the granting of a bonus of $5,000 to D. Hibner & Co., and to provide for the issue of debentures therefor," wherein it was enacted that the said corporation might aid the firm of D. Hibner & Co. by granting to them a bonus of $5,000 to assist them in the rebuilding of their furniture factory which was totally destroyed by fire on the 12th day of November last; and whereas the said factory gave employment to a large number of hands, who have been thrown out of employmeet by reason of such fire, all of whom, specially skilled in furniture making, still reside in the said Town of Berlin, and many of whom own properties there; and whereas the case of the said firm of D. Hibner & Co. and of the said town is by reason of the said disaster, quite exceptional; and whereas the said by-law was submitted to a vote to the ratepayers entitled to vote on money by-laws as provided by *The Consolidated Municipal Act, 1892*, and seven hundred and forty-eight of the ratepayers qualified to vote as aforesaid, voted in favor of the said by-law, and only one hundred and seventy-three ratepayers voted against it; and whereas the said corporation by their petition have prayed that the said by-law may be confirmed and declared legal and valid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By law No. 586 confirmed. **1**. The said by-law No. 586 of the corporation of the Town of Berlin, intituled as set forth in the preamble to this Act and

set out in Schedule A to this Act, is confirmed and declared to be valid and binding from the time of the passing thereof, to all intents and purposes, and the said corporation is declared to be authorized by the said by-law No. 586 to raise by way of loan the sum of $5,000 by the issue of debentures for that amount as in the said by-law No. 586 set forth, and to pay and grant the said sum of $5,000 to the firm of D. Hibner & Co. as a bonus to them to assist them in the re-erection of their furniture factory in the said town, and to levy an annual rate on all the rateable property within the said town sufficient for the payment of the said debentures and the interest thereon as in the said by-law set forth, and all acts done or to be done, and all payments made or to be made by the said corporation pursuant to the said by-law No. 586 are hereby declared to be valid and binding, anything in any Act to the contrary notwithstanding: Provided however, that before receiving the said sum of $5,000, the said firm of D. Hibner & Co. shall enter into a bond to the said corporation, conditioned for the repayment of the said sum of $5,000 to the said corporation, if and when at any time during five years from their receipt of the same they should remove their furniture manufacturing business or any part thereof from the said town, or should cease to carry on the business of manufacturing furniture in the said town.

Proviso.

SCHEDULE A.

Town of Berlin.

By-Law No. 586.

To authorize the granting of a bonus of $5,000 to D. Hibner & Co., and to provide for the issue of debentures therefor.

Whereas the furniture factory of D. Hibner & Co., in the north ward of the Town of Berlin, was totally destroyed by fire, on Thursday, the 12th day of November, 1896;

And whereas the said D. Hibner & Co. employed in the said factory a large number of hands, and it is desirable in the interest of the said town that the said factory should be rebuilt, but the said D. Hibner & Co. are unable to rebuild the same wtihout assistance;

And whereas it is expedient to grant to the said firm of D. Hibner & Co. a bonus of $5,000 to aid them in the rebuilding of the said factory;

And whereas, for the purpose aforesaid, it will be necessary for the corporation of the said town to issue its debentures for and to create a debt to the amount of $5,000 as hereinafter mentioned, such debt and the debentures to be issued therefor, to be made payable in 20 years at the farthest from the day on which this by-law takes effect;

And whereas it will require a certain specific sum of $384.38 to be raised in each year during the said period of 20 years, which annual sum will be sufficient to discharge the several instalments of principal and interest accruing due on the said debt as the said instalments and interest become respectively payable according to the terms of this by-law;

And whereas the amount of the whole rateable property of the municipality of the Town of Berlin, according to the last revised assessment roll, was the sum of $2,939,290.

And whereas the amount of the said existing debt of the said municipality is for principal money the sum of $139,827 and for interest the sum of $6,550 and no portion of the said principal or interest is in arrear.

Be it therefore enacted by the corporation of the Town of Berlin, by the municipal council thereof in council duly convened and assembled and it is hereby enacted :—

1. That it shall be lawful for the mayor of the said Town of Berlin, to cause to be raised by way of loan from any person or persons or body or bodies, corporate, who may be willing to advance the same upon the credit of the debentures hereinafter mentioned, a sum of money not exceeding in the whole the sum of $5,000 and to cause the same to be paid into the hands of the treasurer of the said town for the purposes hereinbefore set forth.

2. That it shall be lawful for the said mayor to cause any number of debentures to the extent of $5,000 to be made of not less than $100 each, which said debentures shall be sealed with the corporate seal of the said town, and signed by the mayor and countersigned by the treasurer thereof.

3. That the said debentures shall be made payable at the office of the treasurer of the said town on the 15th day of December in each of the next succeeding twenty years, commencing with the year 1897, for the respective amounts, that is to say :

For 1897	$159 38
" 1898	166 56
" 1899	174 05
" 1900	181 98
" 1901	190 07
" 1902	198 62
" 1903	207 56
" 1904	216 90
" 1905	226 56
" 1906	236 86
" 1907	247 51
" 1908	258 65
" 1909	270 29
" 1910	282 46
" 1911	295 17
" 1912	308 45
" 1913	322 32
" 1914	356 05
" 1915	350 96
" 1916	369 70

And shall have attached thereto coupons for the payment of interest thereon.

That the said debentures shall be dated on the day this by-law shall take effect and shall bear interest at the rate of four and one-half per cent. per annum from the date thereof, and such interest shall be payable yearly at the office of the said treasurer, on the 15th day of December in each year of the said term.

That the said sum of $384.38 required as aforesaid to be raised, levied and collected shall be so raised, levied and collected in each year during the currency of the said debentures by a special rate, sufficient therefor on all the rateable property within the municipality of the said town.

6. That this by-law shall take effect on the 26th day of December, A.D. 1896.

7. That the votes of the qualified electors of the said Town of Berlin shall be taken on this by-law by ballot, pursuant to *The Municipal Act*, on Monday, the 14th day of December, A.D. 1896, from the hour of nine

o'clock in the forenoon until the hour of five o'clock in the afternoon of the same day, and at the places and by the deputy returning officers hereunder specified, that is to say :

For the North Ward, north of the railway track, at Charles Doerr's biscuit factory—C. Doerr, Deputy Returning Officer.

For the North Ward, south of R. R., Canadian Block—Henry Oelschlager, Deputy Returning Officer.

For the East Ward, at the Council Chamber in the Market Building—Mr. Henry Alleter, Deputy Returning Officer.

For the South Ward, at Henry Sippel's shop—Mr. Charles Ahrens, jr., Deputy Returning Officer.

For the West Ward, at Cairnes & Co.'s glove shop—Mr. J. K. Master, Deputy Returning Officer.

8. That the clerk of this council shall sum up the number of votes given for and against this by-law at the Council Chamber, on the 15th day of December, A.D. 1896, at the hour of 11 o'clock in the forenoon.

9. That the mayor of the said town shall attend at the said Council Chamber, on the 12th day of December, 1896, at the hour of 3 o'clock in the afternoon, to appoint persons to attend at the various polling places and at the final meeting summing up of the votes by the said clerk respectively on behalf of the persons interested in and promoting or opposing the passage of this by-law respectively.

Finally passed after the assent of the ratepayers at the Council Chamber, at the Town of Berlin, this 15th day of December, 1896.

J. C. BREITHAUPT,
Mayor.

Countersigned,
H. ALLETER,
Clerk.

{SEAL}

No. 6.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to confirm By-Law No. 586, of the Town of Berlin.

First Reading, 1897.

(Private Bill.)

Mr.

TORONTO.
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Maj-sty.

No. 8.] **BILL.** [1897.

An Act respecting the Debt of the Village of Milverton.

Preamble. WHEREAS the Municipal Corporation of the Village of Milverton, in the County of Perth, have by their petition represented that before the incorporation of said Village it formed part of the Township of Mornington, and that upon incorporation the proportion of the debt of the Township of Mornington, for which the said Village became liable, amounted to $1,933.33, which debt has now matured and no provision has been made for the payment thereof, and that the said Village has lately incurred a liability of $4,000 for the erection of a public school house in the said Village; and whereas it has been made to appear that the levying of a rate for the immediate payment of the said debt would be unduly oppressive to the ratepayers; and whereas the said Corporation have by their petition prayed that they may be authorized to issue debentures for the sum of $6,000 to meet and pay off the said indebtedness; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debentures for $6,000 authorized. **1**. It shall be lawful for the Corporation of the Village of Milverton to pass a by-law providing for the issue of debentures under its corporate seal signed by the Reeve and countersigned by the Treasurer for the time being, in such sums of not less than $100 and not exceeding $6,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable at such place or places in this Province as the said Corporation may deem expedient.

Power to raise money on debentures.

2. The Corporation of the said Village may, for the purpose herein mentioned raise money by way of loan on said debentures, or sell and dispose of the said debentures from time to time as it may deem expedient.

Term of debentures. Payment of interest.

3. The said debentures shall be payable in not more than twenty years from the issue thereof, as the said corporation may direct. Coupons shall be attached thereto for the payment of the interest thereon, and such interest shall be payable yearly on the first day of the month of January in each and every year, at the place mentioned therein and in the coupons attached thereto, and the said debentures may bear interest at any rate not exceeding four per centum per annum.

Application of proceeds of debentures.

4. The said debentures, and all moneys arising therefrom, shall be applied by the said corporation in the payment of the said debt of $1,933.33, and for the debt incurred in the erection of said school house, and in no other manner and for no other purpose whatsoever, and the said debentures may be known as the Milverton Consolidated Debt Debentures.

By-laws not to be repealed until debts paid.

5. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Annual payments on principal and interest.

6. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding twenty years from the first day of January, 1897, so that the aggregate amount to be levied and payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

7. The said Corporation shall levy, in addition to all other rates to be levied each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called the Milverton Consolidated Debenture Rate, and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures, or any of them.

Treasurer to keep proper books of account.

8. It shall be the duty of the Treasurer of the said Village from time to time to keep, and it shall be the duty of each of the members of the said Municipal Council from time to time, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which

the said debentures shall respectively become due and payable and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said Village or of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred.

Assent of electors to by-laws not required.

9. It shall not be necessary to obtain the assent of the electors of the said Village of Milverton to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*, or any Act amending the same.

55 V. c. 42.

Form of debentures and by-laws.

10. The debentures to be issued under this Act may be in the form of Schedule A hereto, and the by-law or by-laws authorizing the same may be in the form of Schedule B to this Act.

Inconsistent enactments not to apply.

11. Any provisions of the Acts respecting municipal institutions which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law to be passed by the corporation under the provisions of this Act, and no irregularity in form either of the debentures to be issued under this Act or of the by-law authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence in any action which may be brought against the said Corporation for the recovery of the amount of said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof.

Short title.

12. This Act may be cited as *The Milverton Debenture Act, 1897.*

SCHEDULE A.

(Section 10.)

PROVINCE OF ONTARIO, VILLAGE OF MILVERTON.

Milverton Consolidated Debt Debenture.

$ No. .

Under and by virtue of *The Milverton Debenture Act, 1897*, and by virtue of by-law No. of the Corporation of the Village of Milverton, passed under the provisions contained in the said Act, the Corporation of the Village of Milverton, in the County of Perth, promises to pay to the bearer at , in the City of , the sum of $, on the day of A.D. , and to pay the bearer the yearly coupons for interest thereon hereto attached, as the same shall severally become due.

Dated at the village of Milverton, this day of , A.D. 1897.

Reeve.

Treasurer.

SCHEDULE B.

By-law No. of the Village of Milverton, to authorize the issue of debentures for the purposes therein mentioned, and to be known as the Milverton Consolidated Debt Debentures, not exceeding the sum of $6,000 in the whole as the Corporation of the Village of Milverton may, in pursuance of and in conformity with the provisions of *The Milverton Debenture Act, 1897*, direct ;

Whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of $6,000, payable the first day of January in each year hereafter for a period of twenty years, with interest thereon at the rate of four per centum per annum, payable yearly according to the coupons to the said debentures attached so that the aggregate amount to be levied and payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged ;

And whereas the amount of the whole ratable property of the Village of Milverton, according to the last revised assessment roll, being for the year 1896, was $118,310 ;

Therefore the Municipal Corporation of the Village of Milverton hereby enacts as follows :—

1. Debentures under the said Act, and for the purposes therein mentioned to be known as the Milverton Consolidated Debt Debentures, to the extent of $6,000, are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest at the rate of four per centum per annum, payable yearly on the first day of the month of January in each year.

3. This by-law shall come into effect forthwith after the passing hereof.

Passed in open Council this day of , A.D. 1897.

Reeve.

Clerk.

No. 8.

3rd Session, 8th Legislature. 60 Vict., 1897

BILL.

An Act respecting the Debt of the Village of Milverton.

First Reading, 1897.

(Private Bill.)

Mr. MAGWOOD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 8.] **BILL.** [1897.

An Act respecting the debt of the Village of Milverton.

Preamble. WHEREAS the Municipal Corporation of the Village of Milverton, in the County of Perth, have by their petition represented that before the incorporation of said Village it formed part of the Township of Mornington, and that upon incorporation the proportion of the debt of the Township of Mornington, for which the said Village became liable, amounted to $1,933.33, which amount the said Corporation of the Village of Milverton has paid to the said Township of Mornington, having borrowed the said amount from a private source for the purpose; and whereas the said temporary loan thus obtained was without due legal authority and no provision has been made for the payment thereof; and *whereas* the said *Corporation of the* Village *of Milverton* has lately incurred a *further* liability of $4,000 for the erection of a public school house in the said Village; and whereas before incurring such last mentioned liability a by-law was duly submitted to the ratepayers of the said Village providing for incurring a liability for the said sum of $4,000 for the said purpose, and the said by-law was carried by a considerable majority of the ratepayers voting thereon, only seven ratepayers voting against the same; and whereas it has been made to appear that the levying of a rate for the immediate payment of the said debt would be unduly oppressive to the ratepayers; and whereas the said Corporation have by their petition prayed that they may be authorized to issue debentures for the sum of $6,000 to meet and pay off the said indebtedness; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debentures for $6,000 authorized.

1. It shall be lawful for the corporation of the Village of Milverton to pass a by-law providing for the issue of debentures under its corporate seal signed by the Reeve and countersigned by the Treasurer for the time being, in such sums of not less than $100 and not exceeding $6,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable at such place or places in this Province as the said Corporation may deem expedient.

Power to raise money on debentures.

2. The Corporation of the said Village may, for the purpose herein mentioned raise money by way of loan on said debentures, or sell and dispose of the said debentures from time to time as it may deem expedient.

Term of debentures. Payment of interest.

3. The said debentures shall be payable in not more than twenty years from the issue thereof, as the said corporation may direct. Coupons shall be attached thereto for the payment of the interest thereon, and such interest shall be payable yearly on the first day of the month of January in each and every year, at the place mentioned therein and in the coupons attached thereto, and the said debentures may bear interest at any rate not exceeding four per centum per annum.

Application of proceeds of debentures.

4. The said debentures, and all moneys arising therefrom, shall be applied by the said corporation in the payment of the said debt of $1,933.33, and for the debt incurred in the erection of said school house, and in no other manner and for no other purpose whatsoever, and the said debentures may be known as the Milverton Consolidated Debt Debentures.

By-laws not to be repealed until debts paid.

5. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Annual payments on principal and interest.

6. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding twenty years from the first day of January, 1897, so that the aggregate amount to be levied and payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

7. The said Corporation shall levy, in addition to all other rates to be levied each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called the Milverton Consolidated Debenture Rate, and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures, or any of them.

8. It shall be the duty of the Treasurer of the said Village from time to time to keep, and it shall be the duty of each of the members of the said Municipal Council from time to time, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said Village or of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred.

Treasurer to keep proper books of account.

9. It shall not be necessary to obtain the assent of the electors of the said Village of Milverton to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*, or any Act amending the same.

Assent of electors to by-laws not required.

55 V. c. 42.

10. The debentures to be issued under this Act may be in the form of Schedule A hereto, and the by-law or by-laws authorizing the same may be in the form of Schedule B to this Act.

Form of debentures and by-laws.

11. Any provisions of the Acts respecting municipal institutions which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law to be passed by the corporation under the provisions of this Act, and no irregularity in form either of the debentures to be issued under this Act or of the by-law authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence in any action which may be brought against the said Corporation for the recovery of the amount of said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof.

Inconsistent enactments not to apply.

12. This Act may be cited as *The Milverton Debenture Act, 1897*.

Short title.

SCHEDULE A.

(Section 10.)

PROVINCE OF ONTARIO, VILLAGE OF MILVERTON.

Milverton Consolidated Debt Debenture.

$ No. .

Under and by virtue of *The Milverton Debenture Act, 1897*, and by virtue of by-law No. of the Corporation of the Village of Milverton, passed under the provisions contained in the said Act, the Corporation of the Village of Milverton, in the County of Perth, promises to pay to the bearer at , in the City of , the sum of $, on the day of A.D. , and to pay the bearer the yearly coupons for interest thereon hereto attached, as the same shall severally become due.

Dated at the village of Milverton, this day of , A.D. 1897.

Reeve.

Treasurer.

SCHEDULE B.

By-law No. of the Village of Milverton, to authorize the issue of debentures for the purposes therein mentioned, and to be known as the Milverton Consolidated Debt Debentures, not exceeding the sum of $6,000 in the whole as the Corporation of the Village of Milverton may, in pursuance of and in conformity with the provisions of *The Milverton Debenture Act, 1897*, direct ;

Whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of $6,000, payable the first day of January in each year hereafter for a period of twenty years, with interest thereon at the rate of four per centum per annum, payable yearly according to the coupons to the said debentures attached so that the aggregate amount to be levied and payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged ;

And whereas the amount of the whole ratable property of the Village of Milverton, according to the last revised assessment roll, being for the year 1896, was $118,310 ;

Therefore the Municipal Corporation of the Village of Milverton hereby enacts as follows :—

1. Debentures under the said Act, and for the purposes therein mentioned to be known as the Milverton Consolidated Debt Debentures, to the extent of $6,000, are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest at the rate of four per centum per annum, payable yearly on the first day of the month of January in each year.

3. This by-law shall come into effect forthwith after the passing hereof.

Passed in open Council this day of , A.D. 1897.

Reeve.

Clerk.

No. 8.

3rd Session, 8th Legislature. 60 Vict., 1897.

BILL.

An Act respecting the Debt of the Village of Milverton.

First Reading, 24th Feb., 1897.

(Reprinted as amended by Private Bills Committee.)

Mr. MAGWOOD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 9.] BILL. [1897.

An Act to incorporate the Lanark County Electric Railway Company.

Preamble. WHEREAS Alexander H. Edwards, of the Town of Carleton Place, Lumberman; John B. Riley, of the City of Plattsburg, in the State of New York, Lawyer; Thomas Henry, of the City of Montreal, Railway Agent; James Fowler, of the Town of Arnprior, Agent; George A. Fowler and John A. Houston, both of the City of Ottawa, Railway Agents, have petitioned for an Act to incorporate The Lanark County Electric Railway Company, with power to construct and operate by electricity or other motive power a railway from some point in the Town of Perth, in the County of Lanark, to some point in the Village of Lanark, and to extend the said railway to other points within the limits of the said county, and with all other powers conferred upon such companies by *The Electric Railway Act, 1895*, and whereas the said above mentioned persons have prayed for an Act of incorporation under the name and title of "The Lanark County Electric Railway Company," and whereas it is expedient to grant the prayer of the said petition:

58 V. c. 38.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation. 1. Alexander H. Edwards, of the Town of Carleton Place, Lumberman; John B. Riley, of the City of Plattsburg, in the State of New York, Lawyer; Thomas Henry, of the City of Montreal, Railway Agent; James Fowler, of the Town of Arnprior, Agent; George A. Fowler and John A. Houston, both of the City of Ottawa, Railway Agents, and such other persons and corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of "The Lanark County Electric Railway Company."

Location of railway.

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, alter and keep in repair a double or single track railway, with iron or steel rails, to be operated by electricity, compressed air or other motive power, with one or more branch or branches, from some point in the Town of Perth, in the County of Lanark, through the said town to a point in the Village of Lanark, with power to extend the same to Oliver's Ferry or Smith's Falls, on the south, and to Almonte or Carleton Place on the north, and said railway, or any part thereof, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein contained, and subject to the restrictions and provisions of *The Electric Railway Act, 1895*, and amendments thereto, and under and subject to any agreements made between the said company and the councils of any corporation, and between the said company and the road companies (if any) interested in said highways, and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions in *The Electric Railway Act, 1895*, and *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same.

58 V. c. 38.

58 V. c. 38.
55 V. c. 42.

Provisional directors.

3. The said Alexander H. Edwards, John B. Riley, Thomas Henry, James Fowler, George A. Fowler and John A. Houston, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Meetings of provisional directors.

4. All meetings of the provisional board of directors shall be held in the Town of Perth, or at such other place as may best suit the interests of the said company.

Capital stock.

5. The capital stock of the company hereby incorporated shall be $100,000, to be divided into 1,000 shares of $100 each.

Directors.

6. The board of directors of the said company shall consist of seven persons, who shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act, 1895*.

58 V. c. 38.

Head office.

7. The head office of the said company shall be at the Town of Perth until such time as the location of the said head office may be changed by a majority of votes at a general meeting of shareholders of the said company.

8. Subject to the provisions of section 17 of *The Electric Railway Act, 1895*, it shall be lawful for the directors of the company to enter into any agreement or agreements with any railway company, or with any person or persons for leasing, hiring or using any electric or other motor, carriages or cars from such company, person or persons for such time or times, and on such terms as may be agreed upon, or for the running of the cars or carriages of the said Lanark County Electric Railway Company over the tracks of such other railway company, or with any railway for use by them of the tracks of the said Lanark County Electric Railway Company upon such terms of compensation or otherwise as may be agreed upon. Arrangements with other companies. 58 V. c. 38.

9. The said company hereby incorporated shall have power to charge for each passenger five cents for any distance not exceeding one mile, and when the distance travelled exceeds one mile a sum not exceeding three cents for each mile travelled, children under ten years of age to be carried for half the regular rate, and children in arms free of charge. Fares.

10. The directors of the said hereby incorporated company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, subject to the provisions of *The Electric Railway Act, 1895*. Bonding powers. 58 V. c. 38.

11. The several clauses of *The Electric Railway Act, 1895*, and of every Act in amendment thereof, shall be incorporated with and deemed to be part of this Act of incorporation, and shall apply to the company and to the railways to be constructed by them, except where inconsistent with the enactments hereof, and the expression "this Act" shall be understood to include the clauses of *The Electric Railway Act, 1895*, and all amendments thereto incorporated with this Act of incorporation. 58 V. c. 38 incorporated.

12. The railway between Perth and Lanark shall be commenced within two years and completed within three years after the passing of this Act, with a further period after such completion of three years to commence and complete the extensions. Time for commencement and completion.

No. 9.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to incorporate The Lanark County Electric Railway Company.

First Reading, February, 1897.

(Private Bill.)

Mr. PRESTON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 9.] **BILL.** [1897.

An Act to incorp rate the Lanark County Electric Railway Company.

WHEREAS Alexander H. Edwards, of the Town of Carleton Place, Lumberman; John B. Riley, of the City of Plattsburg, in the State of New York, Lawyer; Thomas Henry, of the City of Montreal, Railway Agent; James Fowler, of the Town of Arnprior, Agent; George A. Fowler and John A. Houston, both of the City of Ottawa, Railway Agents, have by their petition prayed for an Act of incorporation under the name of "The Lanark County Electric Railway Company," for the purpose of constructing and operating an electric railway from some point in the Town of Perth, in the County of Lanark, passing through the said town and the Townships of Bathurst, Drummond and Lanark to the Village of Lanark, in the said County of Lanark, with power to extend the said railway from the said Town of Perth, passing through the Township of Elmsley to Oliver's Ferry and the Town of Smith's Falls on the south, and from the said Village of Lanark, passing through the Townships of Lanark and Ramsay to the Town of Carleton Place and the Town of Almonte on the north, all in the said County of Lanark; and whereas it is expedient to grant the prayer of the said petition: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Alexander H. Edwards, of the Town of Carleton Place, Lumberman; John B. Riley, of the City of Plattsburg, in the State of New York, Lawyer; Thomas Henry, of the City of Montreal, Railway Agent; James Fowler, of the Town of Arnprior, Agent; George A. Fowler and John A. Houston, both of the City of Ottawa, Railway Agents, and such other persons and corporations as shall hereafter become shareholders Incorporation.

in the said company are hereby constituted a body corporate and politic under the name of "The Lanark County Electric Railway Company."

Location of railway.

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, alter and keep in repair a double or single track railway, with iron or steel rails, to be operated by electricity, from some point in the Town of Perth, in the County of Lanark, through the said town and through the Townships of Bathurst, Drummond and Lanark to the Village of Lanark, in the said County of Lanark, with power to extend the said railway from the said Town of Perth, passing through the Township of Elmsley to Oliver's Ferry and the Town of Smith's Falls on the south, and from the said Village of Lanark passing through the Townships of Lanark and Ramsay to the Town of Carleton Place and the Town of Almonte on the north, all in the said County of Lanark, and said railway or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein, and in *The Electric Railway Act, 1895*, contained, and under and subject to any agreements made or hereafter to be made between the said Company and the councils of any of the said corporations, and between the Company and the road companies (if any) interested in such highways; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in *The Electric Railway Act, 1895*, and in *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same.

Provisional directors.

3. The said Alexander H. Edwards, John B. Riley, Thomas Henry, James Fowler, George A. Fowler and John A. Houston, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Meetings of provisional directors.

4. All meetings of the provisional board of directors of the said company shall be held in the Town of Perth, in the County of Lanark, or at such other place as may best suit the interests of the said company.

Capital stock.

5. The capital stock of the company hereby incorporated shall be $100,000, to be divided into 1,000 shares of $100 each.

Directors.

58 V. c. 38.

6. The board of directors of the said company shall consist of seven persons, who shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act, 1895*.

7. The head office of the said company shall be at the *said* Town of Perth. Head office.

8. The by-law of the Municipal Council of the Village of Lanark passed on the second day of March, 1896, and entitled "A By-law to aid and assist the Lanark County Electric Railway Company (Limited) to operate a line of railway from Lanark to Perth by a grant of a bonus of ten thousand dollars and to authorize the levying of a special rate therefor" which by-law is set out in schedule A to this Act, and the debentures issued thereunder are hereby confirmed and declared to be legal, valid and binding upon the said municipality and the ratepayers thereof and the company hereby incorporated, and the said company is hereby substituted for the persons named in the said by-law namely, John B. Reilly, Alexander Wender, Thomas Henry, Alexander H. Edwards and James Fowler, and the said by-law shall be read and construed as if the said company were named therein instead of the said persons; Provided that nothing herein contained shall relieve the said persons from any liability heretofore contracted by them under the said by-law; and provided that nothing in this section or in the said by-law contained shall be deemed to authorize anything on the part of the said municipality or the said company which is contrary to or inconsistent with the provisions of *The Electric Railway Act, 1895*. By-law of Village of Lanark confirmed.

9. The several clauses of *The Electric Railway Act, 1895*, and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the company, and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act" when used herein, shall be understood to include the clauses of the said *Electric Railway Act*, and of every Act in amendment thereof so incorporated with this Act. Provision of 58 V. c. 38 incorporated. 58 V. c. 38.

10. The railway between Perth and Lanark shall be commenced within *one* year and completed within *two* years after the passing of this Act, with a further period after such completion of three years to commence and complete the extensions Time for commencement and completion.

SCHEDULE A.

(Section 8.)

BY-LAW No. 263.

A By-law to aid and assist the Lanark County Electric Railway Company, Limited, to operate a line of railway from Lanark to Perth, by a grant of a bonus of ten thousand dollars, and to authorize the levying of a special rate therefor.

Passed the Second day of March, A.D. 1896.

Whereas, John B. Reilly, Alexander Wender, Thomas Henry, Alexander H. Edwards and James Fowler, intend building an electric railway from the Village of Lanark to the Town of Perth, and applying for incorporation under *The Joint Stock Companies' Letters Patent Act* as The Lanark County Electric Railway Company, Limited ;

And whereas, the municipal corporation of the Village of Lanark is desirous of aiding the said company by way of bonus to build and operate the said railway ;

And whereas, for such purpose it is necessary for the said municipality to raise the sum of ten thousand dollars in the manner herein set forth ;

And whereas, it will require the sum of six hundred and fifty dollars and fifty-one cents to be raised annually by special rate in order to make the equal annual payments of principal and interest required to pay the said sum within the time the same falls due ;

And whereas the amount of the whole ratable property of the said municipality (irrespective of any future increase of the same) according to the last revised assessment roll thereof, being that for the year A.D. 1895 is $161,620.00 ;

And whereas, the existing debenture debt of the said municipality amounts to $4,145.98 for principal and $1,591.44 for interest, and no principal or interest is in arrear ;

Therefore, the municipal corporation of the Village of Lanark enacts as follows :—

1. That it shall and may be lawful for the corporation of the Village of Lanark to issue debentures for the sum of ten thousand dollars in sums of not less than one hundred dollars each, such debentures to be under the seal of the said corporation and to be signed by the reeve and treasurer, and to be payable in the manner, for the amounts, and at the times respectively set forth in the schedule to this by-law, being within thirty years from the day on which this by-law comes into operation.

2. The said debentures shall bear interest at the rate of five per cent per annum from the date this by-law shall come into effect, and the same as to principal and interest shall be payable at the Bank of Montreal, Perth.

3. It shall be lawful for the reeve of the said municipality and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the treasurer of the said municipality ; and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

4. There shall be raised and levied in each year by special rate on all the ratable property in the said municipality a sum sufficient to discharge the several instalments of principal and interest accruing due on the said debt as the same become respectively payable according to the schedule of this by-law.

5. The said sum of ten thousand dollars shall be paid, or the said debentures shall be delivered to the said company to be incorporated as aforesaid, within one month after the construction of a single iron or steel

railway of standard gauge, with the necessary side tracks and turnouts, and all necessary works, buildings, appliances and conveniences connected therewith in accordance with the provisions of a certain agreement made between the said Reilly, Wender, Henry, Edwards and Fowler, and the said corporation, and the actual commencement by the said company of a regular passenger and freight service between the Town of Perth and the Village of Lanark, the said company having first paid to the said corporation any interest which may be due upon the said debentures from the time the same bear interest up to the expiration of one month from the completion of the said road and the commencement of operations as aforesaid, and having first and within six months from the final passing of this by-law, signed and delivered to the said corporation, an agreement containing the following provisions :—

(*a*) That the said railway shall be worked and carried on under such regulations as may be necessary for the protection of the inhabitants of the said municipality and all the public generally.

(*b*) Wherever the railway is constructed upon the centre or any part of the graded portion of the roadway within the said corporation all the space between the rails and at least one foot six inches immediately adjoining the outside of each rail as directed by any engineer to be appointed by the said corporation shall be substantially and properly filled with macadam and shall be kept in a good state of repair, and the said macadam shall be maintained flush with the rails of the said railway by the said company, their successors or assigns, who shall also be bound to construct and keep in good repair crossings of a character approved by the said municipality and the engineer. At the intersection of the said railway with all cross streets or highways now or hereafter opened fender planks shall be used, and whenever bridges, culverts, or waterways are found necessary for drainage or other purposes, the same shall be constructed in a manner to be approved by the said municipality and their engineer.

(*c*) The said corporation shall have the right to take up any part of the streets or highways traversed by the rails of the said railway either for the purpose of altering the grade thereof, constructing and repairing of sewers, draining culverts or side crossings, and for all other purposes within the province and privilege of a municipal corporation, without the said company, their successors or assigns being entitled to any compensation for damages occasioned to the working of the said railway or works connected therewith, and such alterations and repairs shall be so made as to interfere as little as possible with the convenient working of said railway, and the said company shall attend to and take care of their track and other property during such repairs without being entitled to make any charge or receive any compensation for so doing.

(*d*) All persons using the said roads or highways shall be at liberty to travel on any portion of the said travelled roadway occupied by the said railway, and in the same manner as upon other portions of the said highway, and vehicles of every description are to be allowed upon such portion of said highway, it being provided, however, that the cars of the said company, their successors or assigns have the first right of way over the said railway, and all vehicles or persons travelling on that portion of the said highway occupied by the said railway shall turn out upon meeting or being overtaken by any car of the said company, their successors or assigns, so as to give them full right of way.

(*e*) The said company, their successors or assigns shall run between the Village of Lanark and the Town of Perth, at least two cars each way each day (Sundays excepted) on a regular time-table so as to make close passenger connection with the Canadian Pacific Railway at Perth, and to run trains for the carriage of freight at such times as will best meet the wants of the residents of the said village and the general public, and to a point in the Town of Perth at which freight in car lots without breaking bulk may be transferred to and from the said Canadian Pacific Railway to the

said Lanark County Electric Railway interchangeably between the said roads, and in the event of the said company not being able to make satisfactory arrangements with the Canadian Pacific Railway Company to run into the freight shed of the said company at Perth for the purpose of receiving and delivering freight in less than car lots from each of the said roads to the other of them, then the said company are to erect a freight shed at the junction or crossing of the said roads where the Canadian Pacific Railway Company may receive and deliver freight in less quantities than car loads from and to the said Lanark County Electric Railway, if they, the said Canadian Pacific Railway Company, so desire.

(*f*) In case the electric motor or car used by the said company in operating the said road whilst passing along the said railway shall cause alarm to any horse or other animal travelling or being upon the said road with vehicle or otherwise, the motors or cars of the said company, shall, if it appears necessary, be stopped to enable the horse or other animal so alarmed to pass the said motor, and the servants of the said company shall in case of apparent danger assist the person or persons driving, riding or in charge of the horse or horses or other animals that may be alarmed as aforesaid so as to prevent accident or injury to any person or persons, horse or horses, vehicle or other property of persons travelling, using, or upon the said roadway but the rate of speed within the said municipality shall not exceed the rate of speed that shall be determined from time to time by the Council of the said Corporation.

(*g*) the said company shall cause a gong or bell connected with or upon the said cars or motors to be sounded or rung in approaching crossings or at such other times and places as may be determined by the said corporation.

(*h*) The said company shall be liable for all damages occasioned by the existence of the rails or cars of the said company upon the said highway, and shall hold the municipality harmless in all respects in respect thereof, and upon demand shall forthwith pay to the said municipality all sums payable by or recovered against the said municipality in respect of such claims ; provided however, that the said company shall have been notified by the said municipality upon any such claim having been made.

(*i*) Should the said company neglect to keep their track or road or crossings or ballastings in good condition according to the terms of this agreement the said municipality may give notice requiring such repairs to be made forthwith, and if after such notification given requiring such repairs to be made, the said company, do not, within two weeks begin and carry to completion such repairs with all reasonable diligence the said municipality shall be at liberty to place the said highway in proper state of repair at the expense of the said company.

(*j*) The said company their successors or assigns, shall be subject to all by-laws and parts of by-laws of the said municipality now in force or that may hereafter be passed in respect to the streets, roads and highways in so far as applicable.

(*k*) The fares to be charged by the said company for a single passage over the said railway shall not exceed three cents per mile for adults, and one and one half cents for children under twelve years of age provided that children in arms shall be carried free of charge and that return tickets shall be issued when required at a rate not to exceed five cents per mile one way and no fare shall be less than five cents ; the rates to be charged between the village of Lanark and the town of Perth shall not exceed the local rates charged by the Canadain Pacific Railway for carriage of similar classes of goods between the towns of Perth and Smith's Falls. The said company shall not make any preferential rates against the village of Lanark, but when passenger or freight rates from the Village of Lanark to the town of Perth and return are made less than the regular fares a similar reduction shall also be made in rates to the said Village of Lanark and return.

(*l*) The said Company will operate the said road continuously for the period of ten years from the actual going into operation of the same, and will pay to the said corporation as liquidated damages the sum of five hundred dollars for each year of the said term of ten years in which the said road shall not be so operated, and a proportionate sum shall be payable for each part of a year in which the said road shall not be so operated, save when and so long as the cessation from actual operation shall be caused by the performance of necessary repairs.

(*m*) Such other provisions as may be agreed upon between the said Company and the said corporation.

6. The street within the said corporation upon which the said railway shall be constructed is South street.

7. This by-law shall take effect and come into operation on the thirty-first day of December, A.D. 1896

8. The votes of the duly qualified electors of the said municipality shall be taken on this by-law on Friday, the seventh day of February, A.D. 1896, at the hour of nine o'clock in the forenoon, and continuing until five o'clock in the afternoon, at the town hall, in the said village of Lanark.

9. On Monday, the third day of February, A.D. 1896, the reeve shall attend at the council chamber at eleven o'clock in the forenoon, to appoint persons to attend at the said polling place and at the final summing up of the votes by the clerk, respectively on behalf of the persons interested in and promoting or opposing the passage of this by-law.

10. The clerk of the council of the said municipality shall attend at the said council chamber at ten o'clock in the forenoon of Monday, the tenth day of February, A.D. 1896, and sum up the number of votes given for and against the said by-law.

☞ SCHEDULE.

Amount of debentures authorized to be issued under the by-law for principal and interest to be payable within thirty years after the same takes effect, in the amounts and at the times following :—

Time.	Prin.	Interest	Total.
December 30, A.D. 1897	$150 51	$500 00	$650 51
December 30, A.D. 1898	158 04	492 47	650 51
December 30, A.D. 1899	165 94	484 57	650 51
December 30, A.D. 1900	174 23	476 28	650 51
December 30, A.D. 1901	182 95	467 56	650 51
December 30, A.D. 1902	192 08	458 43	650 51
December 30, A.D. 1903	201 70	448 81	650 51
December 30, A.D. 1904	211 78	438 73	650 51
December 30, A.D. 1905	222 36	428 15	650 51
December 30, A.D. 1906	233 48	417 03	650 51
December 30, A.D. 1907	245 16	405 35	650 51
December 30, A.D. 1908	257 42	393 09	650 51
December 30, A.D. 1909	270 38	380 13	650 51
December 30, A.D. 1910	283 80	366 71	650 51
December 30, A.D. 1911	298 19	352 32	650 51
December 30, A.D. 1912	312 90	337 61	650 51
December 30, A.D. 1913	328 59	321 92	650 51
December 30, A.D. 1914	344 97	305 54	650 51
December 30, A.D. 1915	362 22	288 29	650 51
December 30, A.D. 1916	380 33	270 18	650 51
December 30, A.D. 1917	399 35	251 16	650 51
December 30, A.D. 1918	419 32	231 19	650 51
December 30, A.D. 1919	440 28	210 23	650 51
December 30, A.D. 1920	462 30	188 21	650 51
December 30, A.D. 1921	485 40	165 11	650 51
December 30, A.D. 1922	509 68	140 83	650 51
December 30, A.D. 1923	535 19	115 32	650 51
December 30, A.D. 1924	561 90	88 61	650 51
December 30, A.D. 1925	590 03	60 48	650 51
December 30, A.D. 1926	619 52	30 99	650 51
	$10,000 00	$9,515 30	$19,515 30

WM. A. FIELD,
Clerk, Village of Lanark.

R. J. STEAD,
Reeve, Village of Lanark.

(Seal of the Village of Lanark.)

☞

No. 9.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to incorporate The Lanark County Electric Railway Company.

First Reading, 25th February, 1897.
Second Reading, 31st March, 1897.

(*Reprinted as amended by Railway Committee.*)

Mr. PRESTON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 10.] **BILL.** [1897.

An Act to confirm By-law No. 293 of the Village of Preston.

WHEREAS the corporation of the Village of Preston have by their petition represented that the said corporation passed a by-law numbered 293, intituled "A By-law for granting aid by way of loan for the promotion of certain manufactures within the limits of the Village of Preston," wherein it was enacted that the said corporation might aid one John J. Stevens for the erection of a factory or foundry for the manufacture of specialties within the limits of the corporation of Preston, by lending him the sum of $10,000, repayable without interest within the period of ten years, in pursuance of the terms of said by-law; and whereas there is no other industry of a similar nature established within the limits of the said corporation; and whereas the said by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws, as provided by *The Consolidated Municipal Act, 1892*, and only twenty-four ratepayers opposed the same; and whereas the said corporation by their petition have prayed that the said by-law might be confirmed and declared legal and valid; and whereas it is expedient to grant the prayer of the said petition; Preamble. 55 V. c. 42.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said by-law No. 293 of the corporation of the village of Preston, intituled as in the preamble to this Act and set out in Schedule "A" to this Act, is hereby confirmed and declared to be valid and binding from the time of the passing thereof, to all intents and purposes, and the said corporation is declared to have been authorizd by said By-law No. 293 to grant aid by way of loan to John J. Stevens therein mentioned to the extent of $10,000, repayable without interest within the period By-law No. 293 confirmed.

of ten years, in pursuance of the terms of said by-law, and all acts done or to be done and all payments made or to be made by the said corporation, pursuant to the said By-law No. 293, are hereby declared to be valid and binding, anything in any Act to the contrary notwithstanding.

SCHEDULE A.

By-law No. 293.

A By-law for granting aid by way of loan for the promotion of certain manufactures within the limits of the corporation of the Village of Preston.

Whereas John J. Stevens, of the town of Galt, in the county of Waterloo, Gentleman, has applied to the municipal Council of the said corporation of the Village of Preston to aid him by lending him the sum of $10,000 and exempting his manufacturing establishment from taxation for the term of ten years, on condition that he shall without delay erect or purchase a factory or foundry (and in case of purchase of a factory or foundry, the same shall not be a going concern) within the limits of the corporation of the Village of Preston, to be built of stone or brick, to be one hundred and fifty feet long and fifty feet in width, or with floor space of 7,500 square feet, and to be furnished and completed with all suitable machinery for the manufacturing of specialties, the principal materials entering into such manufacture to be iron or steel, and no article of which shall conflict with any of the manufactured goods or lines at present manufactured in the said Village of Preston, and said factory or foundry shall cost at least $10,000 and shall be completed and in running order on or before the first day of November, A.D. 1897, and the said Stevens to invest in the said manufactory not less than $12,000, over and above the cost of the said buildings and machinery, and shall repay the said loan in the following instalments, on the 31st day of December in each year, commencing with the year 1897, without interest, namely: $500 on the 31st day of December, 1897; $500 on the 31st day of December, 1898; $500 on the 31st day of December, 1899; $500 on the 31st day of December, 1900; $500 on the 31st day of December, 1901; $1,000 on the 31st day of December, 1902; $1,000 on the 31st day of December, 1903: $1,000 on the 31st day of December, 1904; $2,000 on the 31st day of December, 1905; and $2,500 on the 31st day of December, 1906, unless the same shall become due sooner by reason of any breach of any of the conditions as hereinafter mentioned, and upon the further condition that the said Stevens shall run the said factory for ten months in each year and shall employ in the running and working of the said factory on an average during each working day whilst in operation during each year, from and after the first day of November, 1897, at least thirty-five persons or employees, no one of whom shall be less than fifteen years of age.

And the said Stevens shall enter into a written agreement with the said corporation to do all things hereinbefore mentioned as to be done on his part, and that on any failure in performance or breach in any one or more of these said conditions the said Stevens shall immediately thereupon repay to the said corporation the said loan, and as a further condition the said Stevens shall, on or before the said money shall be lent to him under the provisions of this by-law, give security satisfactory to the said corporation by way of first mortgage on the said factory or foundry and the machinery therein for the observance of the said conditions and the repayment of the said loan.

And whereas, in order to aid the said John J. Stevens in manner aforesaid it is necessary and intended by this by-law to create a debt on the part of the said corporation to the amount of $10,000, and to provide for the issue of debentures therefor as hereinafter mentioned; and whereas it is requisite to raise annually by special rate during said term for paying the said debt and interest the sum of $802.50; and whereas the amount of the whole ratable property of the said municipality is $616,450, according to the last revised assessment roll; and whereas the amount of the existing debenture debt of the said municipality is $29,213.70, no part of which either for principal or interest is in arrear; be it therefore enacted by the corporation of the Village of Preston by the municipal council thereof in council duly convened and assembled, and it is hereby enacted as follows:—

1. That it shall and may be lawful for the municipal council of the corporation of the Village of Preston to aid the said John J. Stevens in the erection of a factory or foundry for the manufacture of specialties, as hereinbefore recited, within the limits of the said corporation, by loaning him the sum of $10,000, repayable without interest within the period of ten years (unless the same shall become due and payable by reason of the breach of any one or more of the conditions or restrictions attached to the said loan), on condition for the repayment thereof by instalments and as hereinbefore mentioned.

2. That it shall and may be lawful for the reeve of the said corporation to cause to be raised by way of loan the aforesaid sum of $10,000 for the purposes hereinbefore mentioned, from any person or persons or body or bodies corporate who may be willing to advance the same upon the credit of the debentures hereinafter mentioned and to cause the same to be paid to the treasurer of the said village.

3. Debentures of the said municipality, sealed with its corporate seal and signed by the said reeve and treasurer, shall be issued to the amount of the said sum of $10,000 and shall be made for the respective amounts and payable on the 31st day of December in the respective years following, that is to say:—

In the year 1897 the sum of	$302.50
In the year 1898 the sum of	317.60
In the year 1899 the sum of	333.50
In the year 1900 the sum of	350.20
In the year 1901 the sum of	367.70
In the year 1902 the sum of	386.10
In the year 1903 the sum of	405.40
In the year 1904 the sum of	425.70
In the year 1905 the sum of	446.90
In the year 1906 the sum of	469.30
In the year 1907 the sum of	492.70
In the year 1908 the sum of	517.40
In the year 1909 the sum of	543.30
In the year 1910 the sum of	570.40
In the year 1911 the sum of	598.90
In the year 1912 the sum of	628.90
In the year 1913 the sum of	660.30
In the year 1914 the sum of	693.30
In the year 1915 the sum of	728.00
In the year 1916 the sum of	761.90

3. And the said debentures shall have attached thereto coupons for the payment of the interest thereon.

4. That the said debentures shall bear interest at the rate of five per centum per annum from the 31st day of December, A.D. 1896, and such interest shall be payable yearly thereafter on each 31st day of December during the currency of the said debentures respectively.

5. The said debentures as to principal and interest shall be payable at the office of the Merchants' Bank of Canada in Preston.

6. For the purpose of paying the said debt and interest the said sum of $802.50 shall be raised and levied in each year during the currency of the said debentures, or on any of them, by a special rate sufficient therefor, on all the ratable property of the said municipality.

7. That the moneys which shall be received from time to time on account or in payment of the said mortgage shall be invested or placed on deposit at interest in some chartered bank until required for the payment of the said debentures, and shall be applied from time to time in paying the said debentures as they mature, and the amounts to be levied in any year under the sixth paragraph hereof shall be reduced to such sum, if any, as shall be required to pay any sum or balance not discharged by the application of the moneys received on account of the said mortgage.

8. That a poll shall be held and the votes of the ratepayers entitled to vote upon this by-law shall be taken thereon in the council chamber of the said Village of Preston on Monday, the 19th day of October, in the year of our Lord 1896, commencing at the hour of nine o'clock in the forenoon and closing at five o'clock in the afternoon, and that the returning-officer for taking the said votes shall be William Anthony Husband, clerk of the said council.

9. That the said clerk shall sum up the number of votes given for and against the said by-law at the said council chamber on the said 19th day of October, 1896, immediately after the closing of the said poll.

10. The reeve of the said village will attend at the said clerk's office in the said village on Friday, the 16th day of October, 1896, at the hour of ten o'clock in the forenoon, to appoint persons to attend at the polling place and at the final summing up of the votes by the clerk, respectively on behalf of the persons interested in and promoting or opposing the passage of the by-law.

11. That this by-law shall come into force and take effect from and after the same has been duly legalized and confirmed by the Legislature of the Province of Ontario.

(Sgd) GEORGE A. CLARE,
Reeve.

(Sgd) WILLIAM A. HUSBAND,
Clerk.

No. 10.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to confirm By-law No. 293 of the Village of Preston.

First Reading, , 1897.

Mr. MOORE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 10.] BILL. [1897.

An Act respecting the Village of Preston.

Preamble. WHEREAS the corporation of the Village of Preston have by their petition represented that the said corporation passed a by-law numbered 293, intituled "A By-law for granting aid by way of loan for the promotion of certain manufactures within the limits of the Village of Preston," wherein it was enacted that the said corporation might aid one John J. Stevens for the erection of a factory or foundry for the manufacture of specialties within the limits of the corporation of Preston, by lending him the sum of $10,000, repayable without interest within the period of ten years, in pursuance of the terms of said by-law; and whereas there is no other industry of a similar nature established within the limits of the said corporation; and whereas the said by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws, as provided by *The Consolidated Municipal Act, 1892*, and only 55 V. c. 42. twenty-four ratepayers opposed the same; and whereas the said corporation by their petition have prayed that the said by-law might be confirmed and declared legal and valid; and whereas in considering the said petition it has been made to appear that the repealed provisions of *The Municipal Act* as amended by *The Municipal Amendment Act, 1888*, relating to the granting of bonuses to manufacturers did not in all respects comply with and it is not considered expedient to grant the prayer of the said petition, but it has been made to appear to be desirable and expedient that the said corporation shall be authorized and empowered to pass another by-law similar in terms to the said by law No. 293, authorizing the said corporation to borrow the sum of $10,000 and to loan the same to the said John J. Stevens on the terms (as nearly as may be) set forth in the said by-law No. 293, subject, however, to the compliance in all respects with the provisions and conditions hereinafter set forth.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to loan $10,000 to John J. Stevens.

1.—(1) Subject, as hereinafter provided, it shall be lawful for the corporation of the village of Preston to raise by way of loan the sum of $10,000 for the purpose of loaning the said sum of $10,000 to the said John J. Stevens on the security of the factory or foundry so to be erected and the machinery therein, and to issue debentures to raise money for the purposes aforesaid and do all other acts in connection therewith as if the power to grant bonuses was still vested in municipalities.

(2) No by-law for raising such sum by way of loan under or in pursuance of the provisions of this Act shall be valid where the said loan would for its payment together with the payment of bonuses (if any) already granted by the said village corporation require an annual levy for principal and interest exceeding ten per cent. of the total annual municipal taxation thereof.

Assent of electors required.

2. No such aid shall be given till after the passing of a by-law by the municipal council of the said village for the purpose and the adoption of such by-law by the qualified electors as provided in *The Consolidated Municipal Act, 1892*, for the creation of debts, and except as herein otherwise provided all the provisions of *The Consolidated Municipal Act, 1892*, relating to the creation of debts and the assent of the qualified ratepayers shall apply.

55 V. c. 42.

Majority required.

3. Notwithstanding anything contained in the preceding section of this Act the vote of two-thirds in the affirmative of the ratepayers of the said village of Preston who are entitled to vote on such by-law as well as a majority of the ratepayers voting on the by-law shall be necessary in order to the carrying of the by-law.

Certificate of clerk as to majority. 55 V. c. 42.

4. In addition to the certificate required by section 318 of *The Consolidated Municipal Act, 1892*, the clerk, in case of a majority of votes being in favor of the by-law, shall further certify whether or not, as shown by the voters' list such majority appears to be two-thirds of all the voters who are entitled to vote on the by-law.

Deciding disputes as to result of vote.

5. In case of a dispute as to the result of the vote on any by-law submitted under this Act the County Judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

6. The petition to the Judge may be by an elector or by the council, and the proceedings for obtaining the Judge's decision shall be the same as nearly as in the case of a scrutiny. Proceedings on scrutiny.

7. Sections 209 to 222, 293 to 319 and sections 321 to 328 inclusive, of *The Consolidated Municipal Act, 1892*, and their subsections shall be taken and considered as part of this Act. Application of certain sections of 55 V. c. 42.

8. Except as otherwise provided in this Act, all the clauses of *The Consolidated Municipal Act, 1892*, relating to the creation of debts, the issue of debentures and the time and manner of repayment of the same, shall apply and be read as part of this Act. Application of general provisions as to creation of debts.

9. Nothing in this Act shall prejudice or affect the question of costs of any action or proceeding now pending.

No. 10.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Village of Preston.

First Reading, 24th February, 1897.

(Reprinted as amended by Private Bills Committee.)

Mr. MOORE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 11.] **BILL.** [1897.

An Act to confirm a certain By-Law of the Village of Kemptville.

Preamble.

WHEREAS the Corporation of the Village of Kemptville, in the County of Grenville, and Province of Ontario, has by its petition represented that the said Corporation passed a by-law numbered 291, wherein it was enacted that the Corporation might aid one Arthur Alonzo Bowen in the establishment within the Village of Kemptville of a roller flour, cracked wheat, split pea and roller oat mill and grain elevator, by granting to the said Arthur Alonzo Bowen the sum of $5,000 by way of bonus; and whereas there is no other industry of a similar nature established within the limits of the said Corporation; and whereas the said by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws, as provided for by *The Consolidated Municipal Act 1892*, and a large majority of the ratepayers qualified to vote as aforesaid voted in favour of said by-law; and whereas owing to the decline of lumbering industries in and about the district, numbers of the inhabitants of the said Village are out of employment and it is believed that the establishment of the said industry would furnish employment to such and would be of material advantage to the said Village and the surrounding country; and whereas the said corporation has by its petition prayed that an Act may be passed to legalize and confirm the said by-law; and whereas no opposition has been offered to the said petition; and whereas the case of the Village of Kemptville is for the reasons aforesaid exceptional; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario enact as follows:—

By-Law No. 291 confirmed.

1. The said by-law of the corporation of the villiage of Kemptville, passed on the eleventh day of May, A.D. 1896, and numbered 291 and set forth in full in the Schedule A to this Act, is hereby confirmed and declared to be valid and binding.

SCHEDULE A.

By-Law No. 291.

To provide for the issue of debentures to the amount of five thousand dollars to be granted as a bonus for the esthblishment in the village of Kemptville in the County of Grenville of a roller flour, cracked wheat, split pea and roller oat mill and grain elevator.

Whereas one Arthur Alonzo Bowen proposes to establish within the corporation of the village of Kemptville aforesaid an industrial enterprise for the manufacture among other things of roller flour, cracked wheat, rolled oats, split peas, buckwheat flour, and pearl barley;

And whereas the said Arthur Alonzo Bowen has applied to the said Corporation of the Village of Kemptville to grant him aid in establishing the said enterprise to the amount of five thousand dollars upon the conditions set forth in a certain proposed agreement requiring the said Arthur Alonzo Brown amongst other things to fully and completely erect and equip at a cost from $25,000 to $30,000, a mill or manufactory with a capacity of one hundred barrels of roller flour, and thirty to forty barrels of rolled oats per day and with other machinery for the purposes above referred to and the said mill or manufactory to keep in running order and operation for the period of twenty years from the passing of this by-law and to furnish security for the performance by him of the said agreement;

And whereas it is desirable that the said enterprise should be established within the said Corporation;

And whereas the debt to be created by this by-law is the said sum of five thousand dollars and the object of creating the said debt is to aid the said Arthur Alonzo Bowen in establishing the said manufactory;

And whereas it is expedient to afford the ratepayers of the said corporation entitled to vote hereon an opportunity of expressing their opinions as to whether the said bonus should be granted or not;

And whereas the amount of the whole ratable property of the said municipality is $254,720, according to the last revised assessment roll (being the roll for the year 1895);

And whereas the amount of the existing debenture debt of the said municipality is the sum of $6,725, of which no part either for principal or interest is in arrear and unpaid;

And whereas the principal of the debenture debt authorized to be created hereby is to be repayable by annual instalments extending over a period of twenty years;

And whereas it is requisite to raise annually by special rate during the said term of twenty years for paying the said debt and interest, the sum of $367.90 of which said sum there will be required for principal and for interest in each year the amounts following:—

IN THE YEAR.	PRINCIPAL.	INTEREST.	TOTAL.
1897	$167 90	$200 00	$367 90
1898	174 63	193 27	367 90
1899	181 61	186 29	367 90
1900	188 88	179 02	367 90
1901	196 41	171 46	367 90
1902	204 28	163 62	367 90
1903	212 46	155 44	367 90
1904	220 95	146 95	367 90
1905	229 80	138 10	367 90
1906	238 98	128 92	367 90
1907	248 54	119 36	367 90
1908	258 48	109 42	367 90
1909	268 84	99 06	367 90
1910	279 58	88 32	367 90
1911	290 76	77 14	367 90
1912	302 40	65 50	367 90
1913	314 50	53 40	367 90
1914	327 07	40 83	367 90
1915	340 15	27 75	367 90
1916	353 75	14 15	367 90
	$5,000 00	$2,358 00	$7,358 00

Be it therefore enacted by the Corporation of the Village of Kemptville by the Municipal Council thereof in Council duly assembled, and it is hereby enacted as follows:

1. That it shall be lawful for the Municipal Council of the Village of Kemptville to aid the said Arthur Alonzo Bowen in the manner aforesaid in the erection of a manufactory or mill within the limits of the Village of Kemptville for the manufacture amongst other things of roller flour, cracked wheat, rolled oats, split peas, buckwheat flour and pearl barley by granting payment to the said Arthur Alonzo Bowen of the sum of five thousand dollars by way of bonus.

2. That it shall belawful for the Reeve of the said Corporation to cause to be raised by the way of loan the aforesaid sum of five thousand dollars for the purpose hereinbefore mentioned from any person or pursons or bodies or bodies corporate who may be willing to advance the same upon the credit of the debentures hereinafter mentioned and to cause the same to be paid to the Treasurer of the said Corporation, to be by him paid and applied according to the true intent and meaning of this by-law.

3. That debentures of the said Municipality sealed with its corporate seal and signed by the said Reeve and Treasurer shall be issued to the said amount of five thousand dollars and shall be made for the respective amounts and payable on the respective days hereinafter set forth.

4. That the said debentures, both as to principal and interest, shall be payable at the Bank of Ottawa in the Village of Kemptville and shall be dated the 31st day of December, 1896, and shall have attached to them coupons for the payment of interest, which interest shall be computed at the rate of four per centum per annum and shall be payable on the 31st day of December in each year during the currency of each debenture.

5. The amount of the said debentures and the dates at which they shall be respectively payable shall be as follows:—

1	For the sum of	$167 90	payable	December	31st,	1897
2	" "	174 53	"	"	"	1898
3	" "	181 61	"	"	"	1899
4	" "	188 88	"	"	"	1900
5	" "	196 44	"	"	"	1901
6	" "	204 28	"	"	"	1902
7	" "	212 46	"	"	"	1903
8	" "	220 95	"	"	"	1904

9	For the sum of		$229 80	payable	December	31st,	1905
10	"	"	238 98	"	"	"	1906
11	"	"	248 54	"	"	"	1907
12	"	"	258 48	"	"	"	1908
13	"	"	268 84	"	"	"	1909
14	"	"	279 58	"	"	"	1910
15	"	"	290 76	"	"	"	1911
16	"	"	302 40	"	"	"	1912
17	"	"	314 50	"	"	"	1913
18	"	"	327 07	"	"	"	1914
19	"	"	340 15	"	"	"	1915
20	"	"	353 75	"	"	"	1916

For the purpose of paying the said debentures and the interest of the same during the currency thereof the sums set out in the recital preceeding this enactment shall be annually raised and levied in the same manner as the taxes are levied by a special rate over and above all other rates upon the whole ratable property of the said Village of Kemptville in each year for the period of twenty years after the date of the final passing of this by-law during which the said debentures have to run and the said sums in each year be appropriated to the payment of the said debentures as in the said recital set forth.

6. That this by-law shall take effect on and after 31st December, 1896.

7. That the vote of the qualified electors of the said Municipality shall be taken on this by-law on Friday, the first day of May, 1896, from the hour of nine o'clock in the forenoon to the hour of five o'clock in the afternoon at the Town Hall in the Village of Kemptville and O. Bascom shall be and he is hereby appointed returning officer for the said polling place.

8. That the Clerk of the Village of Kemptville shall be the returning officer for the purpose of taking the vote, and he shall sum up the number of votes given for or against the by-law on Saturday, the 2nd day of May, 1896, at his office in the said village at the hour of two o'clock in the afternoon.

9. That the Reeve of the said Village shall attend at his office in the said village on Thursday, the 30th day of April, 1893, at the hour of two o'clock in the afternoon to appoint persons to attend at the said polling place and at the final summing up of the votes by the Clerk respectively on behalf of the persons interested in and forwarding or opposing the passage of this by-law respectively.

Read the first and second time this 6th day of Agril, 1896. Passed this 11th day of May, 1896.

(Sgd.) GEORGE TAYLOR,
Reeve.
O. BASCOM,
CLERK.

{ SEAL. }

No. 11.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to confirm a certain By-Law of the Village of Kemptville.

First Reading, 1897.

(Private Bill.)

MR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 11.] BILL. [1897.

An Act respecting the Village of Kemptville.

Preamble. WHEREAS the Corporation of the Village of Kemptville, in the County of Grenville, and Province of Ontario, has by its petition represented that the said Corporation passed a by-law numbered 291, wherein it was enacted that the Corporation might aid one Arthur Alonzo Bowen in the establishment within the Village of Kemptville of a roller flour, cracked wheat, split pea and roller oat mill and grain elevator, by granting to the said Arthur Alonzo Bowen the sum of $5,000 by way of bonus; and whereas there is no other *altogether similar* industry established within the limits of the said Corporation; and whereas the said by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws, as provided for by *The Consolidated Municipal Act, 1892*, and a large majority of the ratepayers qualified to vote as aforesaid voted in favour of said by-law; and whereas owing to the decline of lumbering industries in and about the district, numbers of the inhabitants of the said Village are out of employment and it is believed that the establishment of the said industry would furnish employment to such and would be of material advantage to the said Village and the surrounding country; and whereas the said corporation has by its petition prayed that an Act may be passed to legalize and confirm the said by-law; and whereas no opposition has been offered to the said petition; and whereas the case of the Village of Kemptville is for the reasons aforesaid exceptional; and whereas in considering the said petition it has been made to appear that the repealed provisions of *The Municipal Act* as amended by *The Municipal Amendment Act, 1888*, relating to the granting of bonuses to manufacturers have not in all respects been complied with, and it is not considered expedient to grant the prayer of the said petition, but it has

been made to appear to be desirable and expedient that the said corporation shall be authorized and empowered to pass another by-law similar in terms to the said by-law No. 291 authorizing the said corporation to aid the said Arthur Alonzo Bowen by way of bonus as aforesaid to the extent of $5,000; on the terms (as nearly as may be) set forth in the said by-law No. 291, subject, however, to the compliance in all respects with the provisions and conditions hereinafter set forth.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario enacts as follows:—

Authority to pass by-law.

1.—(1) Subject as hereinafter provided it shall be lawful for the corporation of the Village of Kemptville to grant aid by way bonus to the said Arthur Alonzo Bowen to an amount not exceeding an aggregate sum of $5,000, and to issue debentures to raise money for the purposes aforesaid, and do all other acts in connection therewith as if the power of granting bonuses was still vested in municipalities.

(2) No by-law for granting any bonus under or in pursuance of the provisions of this Act shall be valid where the granting of such bonus would for its payment together with the payment of similar bonuses (if any) already granted by the said village corporation require an annual levy for principal and interest exceeding ten per cent. of the total annual municipal taxation thereof.

Assent of electors required.

2. No such aid shall be given till after the passing of a by-law by the Municipal Council of the said village for the purpose and the adoption of such by-law by the qualified electors as provided in *The Consolidated Municipal Act, 1892*, for the creation of debts and except as herein otherwise provided all the provisions of *The Consolidated Municipal Act, 1892*, relating to the creation of debts and the assent of the qualified ratepayers shall apply.

55 V. c. 42.

Majority required.

3. Notwithstanding anything contained in the preceding section of this Act, the vote of two-thirds in the affirmative of the ratepayers of the said Village of Kemptville who are entitled to vote on such by-law as well as a majority of the ratepayers voting on the by-law shall be necessary in order to the carrying of the by-law.

Certificate of clerk as to majority.

55 V. c. 42.

4. In addition to the certificate required by section 318 of *The Consolidated Municipal Act, 1892*, the clerk, in case of a majority of votes being in favor of the by-law, shall further certify whether or not, as shown by the voters' list, such majority appears to be two-thirds of all the voters who are entitled to vote on the by-law.

Deciding disputes as to result of vote.

☞5. In case of a dispute as to the result of the vote on any by-law submitted under this Act, the County Judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.☜

Proceedings on scrutiny.

☞6. The petition to the Judge may be by an elector or by the Council, and the proceedings for obtaining the Judge's decision shall be the same as nearly as in the case of a scrutiny.☜

Application of certain sections of 55 V. c. 42.

☞7. Sections 209 to 222, 293 to 319 and sections 321 to 328, inclusive, of *The Consolidated Municipal Act, 1892*, and their subsections shall be taken and considered as part of this Act.☜

Application of general provisions as to creation of debts.

☞8. Except as otherwise provided in this Act, all the clauses of *The Consolidated Municipal Act, 1892*, relating to the creation of debts, the issue of debentures and the time and manner of repayment of the same, shall apply and be read as part of this Act.☜

No. 11.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Village of Kemptville.

First Reading, 23rd February, 1897.

(*Reprinted as amended by Private Bills Committee.*)

Mr. BUSH.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 12.] **BILL.** [1897.

An Act to amend the Act Incorporating Knox College.

Preamble.

WHEREAS by an Act of the Legislative Assembly of the Province of Ontario passed in the 44th year of the reign of Her Majesty Queen Victoria, chaptered 82, intituled *An Act to amend the Act to incorporate Knox College*, the Senate of the said college was empowered to confer the Degrees of Bachelor of Divinity, and of Doctor of Divinity, on graduates in Arts of such Universities as the said Senate should recognize for that purpose; and whereas Knox College has by its petition represented that it is desirable to encourage ordained ministers of the Presbyterian Church in Canada not having obtained degrees in Arts, to prosecute their studies in theological and other literature in order to proceed to a degree in Divinity; and whereas it is expedient to grant the prayer of the said petition;

44 V. c. 82, s. 1 repealed.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Senate empowered to confer Divinity degrees.

1. Section 1 of the said Act passed in the 44th year of Her Majesty's reign, chaptered 82, is repealed and the following section substituted therefor:—

1. The Senate of Knox College shall have power to confer the Degrees of Bachelor of Divinity and Doctor of Divinity upon graduates in Arts of such Universities as the said Senate shall recognize for that purpose, and also upon such ordained ministers of the Presbyterian Church in Canada as the Senate shall determine to be possessed of the necessary qualifications, subject, however, in either case, to such regulations as to examination or otherwise as may from time to time be prescribed by by-law of the said Senate.

No. 12.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend the Act incorporating Knox College.

First Reading, 1897.

(Private Bill.)

Mr. Ross.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 13] **BILL.** [1897.

An Act to incorporate The Ingersoll Radial Electric Railway Company.

Preamble.

WHEREAS Justus Miller, Roger Miller, W. Mills, C. W. Riley, C. C. L. Wilson, W. H. Jones, H. Richardson, M. Walsh, Stephen Noxon, James Stevens, T. H. Noxon, R. J. Robertson, James P. Boles, Charles Miller, O. E. Robinson, W. Watterworth, J. C. Norsworthy, H. H. Ellis and A. N. Christopher, of the Town of Ingersoll in the County of Oxford, and L. A. Price and Wm. Pow, of the Village of Mount Elgin, in the said County of Oxford, have by their petition prayed that they may be incorporated under the name of "The Ingersoll Radial Electric Railway Company" for the purpose of constructing and operating an electric railway from some point or points in the Town of Ingersoll, as follows: (1) To St. Mary's in the County of Perth, through or near the Villages of Thamesford, Kintore, passing through the Townships of North Oxford, East Nissouri, in the County of Oxford; (2) A line to the Town of Tilsonburg, in the County of Oxford, through or near the Villages of Salford and Mount Elgin, passing through the Townships of West Oxford and Dereham in the County of Oxford; (3) A line to the Village of Brownsville through or near the Villages of Verschoyl and Culloden, passing through the Townships of West Oxford and Dereham, in the County of Oxford; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said Justus Miller, Roger Miller, W. Mills, C. W. Riley, C. C. L. Wilson, W. H. Jones, H. Richardson, M. Walsh, Stephen Noxon, James Stevens, T. H. Noxon, R. J. Robertson James P. Boles, Charles Miller, O. E. Robinson, W. Watter-

worth, J. C. Norsworthy, H. H. Ellis, A. N. Christopher, L. A. Price and Wm. Pow and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic, under the name of "The Ingersoll Radial Electric Railway Company."

Location of lines.

2. The said company is hereby authorized and empowered to survey, lay out, construct, make, complete, alter, and keep in repair, double or single, iron or steel railway to be operated by electricity with one or more branch or branches, from some point or points in the town of Ingersoll, to and through the places and townships hereinbefore set forth, and the said railway or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein, and in *The Electric Railway Act, 1895*, contained, and under and subject to any agreements between the said Company, and in councils of any of the said corporations and between the Company and the road companies (if any) interested in such highways; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and contained in *The Electric Railway Act, 1895*, and in *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same.

58 V. c. 38.

58 V. c. 38.

55 V. c. 42.

Connections with existing lines.

3. The said company may also make connection with any existing line or lines of steam railways, on such terms as may be agreed upon by the companies or persons interested therein; and may lease or sell all the said railways, or any section or branch thereof, which are specified and ascertained in section 11 of this Act, to any existing steam railway company; and may also construct and operate telegraph or telephone systems in connection with the railway lines of the said company, with all the powers conferred by *The Railway Act* and *The Electric Railway Act* of Ontario, and amendments thereto.

Rev. Stat. c. 170.
55 V. c. 38.

Provisional directors.

4. The said Justus Miller, Roger Miller, W. Mills, C. W. Riley, C. C. L. Wilson, W. H. Jones, H. Richardson, M. Walsh, Stephen Noxon, James Stevens, T. H. Noxon, R. J. Robertson, James P. Boles, Charles Miller, O. E. Robinson, W. Watterworth, J. C. Norsworthy, H. H Ellis, A. N. Christopher, L. A. Price, and Wm. Pow shall be and are hereby constituted a board of provisional directors of the said company, with power to add to their number, of whom a majority shall be a quorum; and shall hold office as such, until other directors shall be appointed under the provisions of this Act, by the shareholders.

Meeting of provisional directors.

5. All meetings of the provisional or permanent board of directors of the said company shall be held at the town of Ingersoll, in the county of Oxford.

6. The board of directors of the said company shall consist of nine persons, who shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act, 1895*, Directors. 58 V. c. 38.

7. The capital stock of the said company shall be $500,000, to be divided into 20,000 shares of $25 each. Capital stock.

8. The said capital stock of the said company of $500,000 shall be applied and appropriated towards the construction of the said railway in the following manner:— Application of capital.

$220,000 to the section from Ingersoll to St. Marys, or Kintore.

$150,000 to the section from Ingersoll to Tilsonburg or Mount Elgin.

$130,000 to the section from Ingersoll to Brownsville, and when and so soon as 25 per cent. of the authorized capital appropriated to any such section or branch shall be subscribed, and ten per cent. of the same has been paid into cash into some chartered bank in Ontario, the provisional directors shall call a meeting of the shareholders of the said company for the purpose of organization, at Ingersoll, at such time as they think proper, giving the notice prescribed by *The Electric Railway Act, 1895*; at which meeting the shareholders who have paid at least ten per cent. of the amount of stock subscribed by them shall, from the shareholders possessing the qualifications in the said Act mentioned, elect nine persons to be directors of the said company, 58 V. c. 38.

9. The head office of the said company shall be at the town of Ingersoll, and the general annual meetings, and any other meetings of the shareholders of the said company shall be held at the said town of Ingersoll, and on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in one newspaper published in the said town of Ingersoll, during the four weeks preceding the week in which such meeting is to be held, and by mailing a notice of such meeting to each shareholder one week before the date of such meeting. Head office.

10. The company may make special rates for the carriage of fruit, milk and other perishable freight. Special rates for fruit, milk, etc.

11. The directors of the said company shall have power to issue bonds of the company for the purpose of raising money, for prosecuting the undertaking, but the whole amount of the issue of such bonds shall not exceed $10,000 for each mile of said railway, such bonds to be issued in conformity with *The Electric Railway Act, 1895*. Bonding powers. 58 V. c. 38.

Construction of line by sections.

12. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act, 1895*, and to deposit the same as required by the clauses of the said *Electric Railway Act*, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said *Electric Railway Act* and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the statement of the whole of said railways had been taken, made, examined, certified, and deposited according to the said clauses of the said *Electric Railway Act* and the amendments thereof with respect to "plans and surveys."

58 V. c. 38.

58 V. c. 38.

58 V. c. 38.

Provision of 59 V. c. 38, incorporated.

13. The several clauses of *The Electric Railway Act, 1895*, and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company, and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Electric Railway Act*, and of every Act in amendment thereof so incorporated with this Act.

58 V. c. 38.

Time for commencement and completion of lines.

14. The railways, or such sections or branches thereof as are authorized by section 11 shall be commenced within two years, and be completed within five years from the passing of this Act.

No. 13.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to incorporate The Ingersoll Radial Electric Railway Company.

First Reading, 1897.

(Private Bill).

MR. MCKAY, (Oxford).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 13] **BILL.** [1897.

An Act to incorporate The Ingersoll Radial Electric Railway Company.

Preamble. WHEREAS Justus Miller, Roger Miller, W. Mills, C. W. Riley, C. C. L. Wilson, W. H. Jones, H. Richardson, M. Walsh, Stephen Noxon, James Stevens, T. H. Noxon, R. J. Robertson, James P. Boles, Charles Miller, O. E. Robinson, W. Watterworth, J. C. Norsworthy, H. H. Ellis and A. N. Christopher, of the Town of Ingersoll in the County of Oxford, and L. A. Price and Wm. Pow, of the Village of Mount Elgin, in the said County of Oxford, have by their petition prayed that they may be incorporated under the name of "The Ingersoll Radial Electric Railway Company" for the purpose of constructing and operating electric railways from the Town of Ingersoll, *in the County of Oxford*, as follows: (1) To *the Town of* St. Mary's, in the County of Perth, through or near the Villages of Thamesford *and* Kintore, passing through the Townships of North Oxford *and* East Nissouri, in the *said* County of Oxford; (2) A line to the Town of Tilsonburg, in the *said* County of Oxford, through or near the Villages of Salford and Mount Elgin, passing through the Townships of West Oxford and Dereham in the *said* County of Oxford; (3) A line to the Village of Brownsville through or near the Villages of Verschoyl and Culloden, passing through the Townships of West Oxford and Dereham, in the *said* County of Oxford; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation. **1**. The said Justus Miller, Roger Miller, W. Mills, C. W. Riley, C. C. L. Wilson, W. H. Jones, H. Richardson, M. Walsh, Stephen Noxon, James Stevens, T. H. Noxon, R. J. Robertson

James P. Boles, Charles Miller, O. E. Robinson, W. Watterworth, J. C. Norsworthy, H. H. Ellis, A. N. Christopher, L. A. Price and Wm. Pow and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic, under the name of "The Ingersoll Radial Electric Railway Company."

Location of lines.

2. The said company is hereby authorized and empowered to survey, lay out, construct, make, complete, alter, and keep in repair, iron or steel railways to be operated by electricity with double or single iron or steel tracks from the Town of Ingersoll, in the County of Oxford, to the Town of St. Mary's, in the County of Perth, through or near the Villages of Thamesford and Kintore, passing through the Townships of North Oxford and East Nissouri in the said County of Oxford; from the said Town of Ingersoll to the Town of Tilsonburgh, in the said County of Oxford, through or near the Villages of Salford and Mount Elgin, passing through the Townships of West Oxford and Dereham in the said County of Oxford; and from the said Town of Ingersoll to the Village of Brownsville, in the said County of Oxford, through or near the Villages of Verschoyl and Culloden, passing through the Townships of West Oxford and Dereham in the said County of Oxford, and the said railways or any of them, or any part thereof, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein, and in *The Electric Railway Act, 1895*, contained, and under and subject to any agreements *hereafter to be made* between the said Company, and *the* councils of any of the said corporations and between the Company and the road companies (if any) interested in such highways; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and *conditions* contained in *The Electric Railway Act, 1895*, and in *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same.

58 V. c. 38.

58 V. c. 38.

55 V. c. 42.

Connections with existing lines.

3. The said company shall have power to agree for connections with the Grand Trunk Railway Company of Canada and The Canadian Pacific Railway Company or either of them (if lawfully empowered to enter into such agreement) upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with the said railway companies or either of them (if lawfully authorized to enter into such an agreement) for the sale or leasing of the said railways herein authorized or any section or branch thereof and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by

Rev. Stat. c. 170.
55 V. c. 38.

proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof and the company purchasing, leasing or entering into such an agreement for using the said railways may and are hereby authorized to work the said railways and in the same manner as if incorporated with their own line, provided that electric power only shall be used in operating any portion of the said railways or any section or branch thereof; and provided also that nothing in this section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Provisional directors.

4. The said Justus Miller, Roger Miller, W. Mills, C. W. Riley, C. C. L. Wilson, W. H. Jones, H. Richardson, M. Walsh, Stephen Noxon, James Stevens, T. H. Noxon, R. J. Robertson, James P. Boles, Charles Miller, O. E. Robinson, W. Watterworth, J. C. Norsworthy, H. H Ellis, A. N Christopher, L. A. Price, and Wm. Pow, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such, until other directors shall be appointed under the provisions of this Act, by the shareholders.

Meeting of provisional directors.

5. All meetings of the provisional board of directors of the said company shall be held at the town of Ingersoll, in the county of Oxford.

Capital stock.

6. The capital stock of the said company shall be $500,000, to be divided into 20,000 shares of $25 each.

Application of capital.

7. The said capital stock of the said company of $500,000 shall be applied and appropriated towards the construction of the said railways in the following manner:—

$220,000 to the section from Ingersoll to St. Marys.

$150,000 to the section from Ingersoll to Tilsonburg.

$130,000 to the section from Ingersoll to Brownsville. When and so soon as 25 per cent. of the authorized capital appropriated to any such section or branch shall be subscribed, and ten per cent. of *such authorized capital* has been paid in cash into some chartered bank in Ontario, the provisional directors shall call a meeting of the shareholders of the said company for the purpose of organization, at Ingersoll, at such time as they think proper, giving the notice prescribed by *The Electric Railway Act, 1895*; at which meeting the shareholders who have paid at least ten per cent. of the amount of stock subscribed *for* by them shall, from the shareholders possessing the qualifications in the said Act mentioned, elect nine persons to be directors of the said company.

58 V. c. 38.

Head office.

8. The head office of the said company shall be at the town of Ingersoll, *in the county of Oxford.*

Special rates for fruit, milk, etc.

9. The company may make special rates for the carriage of fruit, milk and other perishable freight.

Bonding powers.

10. The directors of the said company shall have power to issue bonds of the company for the purpose of raising money, for prosecuting the undertaking, but the whole amount of the issue of such bonds shall not exceed $10,000 for each mile of said railway, ☞and no bonds or debentures shall be issued until twenty-five per cent. of the authorized capital appropriated to any one of the branches or sections has been actually expended on such branch or section: and except as herein provided the borrowing powers of the company shall be governed by the said *Electric Railway Act, 1895.*

Construction of line by sections.

11. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act, 1895*, and to deposit the same as required by the clauses of the said *Electric Railway Act*, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said *Electric Railway Act* and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the statement of the whole of said railways had been taken, made, examined, certified, and deposited according to the said clauses of the said *Electric Railway Act* and the amendments thereof with respect to "plans and surveys."

58 V. c. 38.

58 V. c. 38.

58 V. c. 38.

12. The several clauses of *The Electric Railway Act, 1895*, and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company, and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Electric Railway Act*, and of every Act in amendment thereof so incorporated with this Act. Provision of 59 V. c. 38, incorporated. 58 V. c. 38.

13. The railways, or such sections or branches thereof as are authorized by *this Act* shall be commenced within two years, and be completed within five years from the passing *hereof*. Time for commencement and completion of lines.

No. 13.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to incorporate The Ingersoll Radial Electric Railway Company.

First Reading, 23rd February, 1897.

(Reprinted as amended by Railway Committee.)

Mr. McKay,
(Oxford).

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 13] **BILL.** [1897.

An Act to incorporate The Ingersoll Radial Electric Railway Company.

Preamble.

WHEREAS Justus Miller, Roger Miller, W. Mills, C. W. Riley, C. C. L. Wilson, W. H. Jones, H. Richardson, M. Walsh, Stephen Noxon, James Stevens, T. H. Noxon, R. J. Robertson, James P. Boles, Charles Miller, O. E. Robinson, W. Watterworth, J. C. Norsworthy, H. H. Ellis and A. N. Christopher, of the Town of Ingersoll in the County of Oxford, and L. A. Price and Wm. Pow, of the Village of Mount Elgin, in the said County of Oxford, have by their petition prayed that they may be incorporated under the name of "The Ingersoll Radial Electric Railway Company" for the purpose of constructing and operating electric railways from the Town of Ingersoll in the County of Oxford, passing through the Township of North Oxford, to the Village of Thamesford, in the said county; from the said Village of Thamesford through or near the Village of Kintore, passing through the Township of East Nissouri to the Town of St. Mary's, in the Township of Blanshard, in the County of Perth; from the said Town of Ingersoll through or near the Village of Salford, passing through the Townships of West Oxford and Dereham, to the Village of Mount Elgin, in the said County of Oxford; from the said Village of Mount Elgin, passing through the said Township of Dereham, to the Town of Tilsonburg, in the said County of Oxford; from the said Town of Ingersoll, passing through the Townships of West Oxford and Dereham, to the Village of Verschoyle in the said County of Oxford; and from the said Village of Verschoyle, through or near the Village of Culloden, passing through the said Township of Dereham, to the Village of Brownsville, in the said County of Oxford; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Incorporation.

1. The said Justus Miller, Roger Miller, W. Mills, C. W. Riley, C. C. L. Wilson, W. H. Jones, H. Richardson, M. Walsh, Stephen Noxon, James Stevens, T. H. Noxon, R. J. Robertson James P. Boles, Charles Miller, O. E. Robinson, W. Watterworth, J. C. Norsworthy, H. H. Ellis, A. N. Christopher, L. A. Price and Wm. Pow and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic, under the name of "The Ingersoll Radial Electric Railway Company."

Location of lines.

2. The said company is hereby authorized and empowered to survey, lay out, construct, make, complete, alter, and keep in repair, iron or steel railways to be operated by electricity with double or single iron or steel tracks from the Town of Ingersoll, in the County of Oxford, passing through the Township of North Oxford, to the Village of Thamesford, in the said county; from the said Village of Thamesford, through or near the Village of Kintore, passing through the Township of East Nissouri, to the Town of St. Mary's, in the Township of Blanshard, in the County of Perth; from the said Town of Ingersoll, through or near the Village of Salford, passing through the Townships of West Oxford and Dereham, to the Village of Mount Elgin, in the said County of Oxford; from the said Village of Mount Elgin, passing through the said Township of Dereham, to the Town of Tilsonburg, in the said County of Oxford; from the said Town of Ingersoll, passing through the Townships of West Oxford and Dereham, to the Village of Verschoyle, in the said County of Oxford; and from the said Village of Verschoyle, through or near the Village of Culloden, passing through the said Township of Dereham, to the Village of Brownsville, in the said County of Oxford; and the said railways or any of them, or any part thereof, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein, and in *The Electric Railway Act, 1895*, contained, and under and subject to any agreements *hereafter to be made* between the said Company, and *the* councils of any of the said corporations and between the Company and the road companies (if any) interested in such highways; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and *conditions* contained in *The Electric Railway Act, 1895*, and in *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same.

58 V. c. 38.

58 V. c. 38.

55 V. c. 42.

Connections with existing lines.

3. The said company shall have power to agree for connections with the Grand Trunk Railway Company of Canada, *the Michigan Central Railway Company* and The Canadian Pacific Railway Company or either of them (if lawfully empowered to enter into such agreement) upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with the said railway companies or either of them (if lawfully authorized to enter into such an agreement) for the sale or leasing of the said railways herein authorized or any section or branch thereof and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof and the company purchasing, leasing or entering into such an agreement for using the said railways may and are hereby authorized to work the said railways and in the same manner as if incorporated with their own line, provided that electric power only shall be used in operating any portion of the said railways or any section or branch thereof; and provided also that nothing in this section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Rev. Stat. c. 170. 55 V. c. 38.

Provisional directors.

4. The said Justus Miller, Roger Miller, W. Mills, C. W. Riley, C. C. L. Wilson, W. H. Jones, H. Richardson, M. Walsh, Stephen Noxon, James Stevens, T. H. Noxon, R. J. Robertson, James P. Boles, Charles Miller, O. E. Robinson, W. Watterworth, J. C. Norsworthy, H. H Ellis, A. N Christopher, L. A. Price, and Wm. Pow, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such, until other directors shall be appointed under the provisions of this Act, by the shareholders.

Meeting of provisional directors.

5. All meetings of the provisional board of directors of the said company shall be held at the town of Ingersoll, in the county of Oxford.

Capital stock.

6. The capital stock of the said company shall be $500,000, to be divided into 20,000 shares of $25 each.

Application of capital.

7. The said capital stock, of the said company, of $500,000 shall be applied and appropriated towards the construction of the said railways in the following manner: $50,000 to the section or branch from Ingersoll to Thamesford; $170,000 to the section or branch from Thamesford to St. Mary's; $80,000 to the section or branch from Ingersoll to Mount Elgin; $70,000 to the section or branch from Mount Elgin to Tilson-

burg; $80,000 to the section or branch from Ingersoll to Verschoyle; $50,000 to the section or branch from Verschoyle to Brownsville. When and so soon as 25 per cent. of the authorized capital appropriated to any such section or branch shall be subscribed, and ten per cent. of *such authorized capital* has been paid in cash into some chartered bank in Ontario, the provisional directors shall call a meeting of the shareholders of the said company for the purpose of organization, at Ingersoll, at such time as they think proper, giving the notice prescribed by 58 V. c. 38. *The Electric Railway Act, 1895*; at which meeting the shareholders who have paid at least ten per cent. of the amount of stock subscribed *for* by them shall, from the shareholders possessing the qualifications in the said Act mentioned, elect nine persons to be directors of the said company.

Head office. **8.** The head office of the said company shall be at the town of Ingersoll, *in the county of Oxford.*

Special rates for fruit, milk, etc. **9.** The company may make special rates for the carriage of fruit, milk and other perishable freight.

Bonding powers. **10.** The directors of the said company shall have power to issue bonds *and debentures* of the company for the purpose of raising money, for prosecuting the undertaking, but the whole amount of the issue of such bonds *or debentures* shall not exceed $10,000 for each mile of said railway, and no bonds or debentures shall be issued until twenty-five per cent. of the authorized capital appropriated to any one of the branches or sections has been actually expended on such branch or section: and except as herein provided the borrowing powers of the company shall be governed by the said *Electric Railway Act, 1895.*

Construction of line by sections. **11.** The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act, 1895*, and to deposit the same as required by the clauses of the said *Electric Railway Act*, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said *Electric Railway Act* and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any

58 V. c. 38.

58 V. c. 38.

58 V. c. 38.

and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the statement of the whole of said railways had been taken, made, examined, certified, and deposited according to the said clauses of the said *Electric Railway Act* and the amendments thereof with respect to "plans and surveys." 58 V. c. 38.

12. The several clauses of *The Electric Railway Act, 1895*, and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company, and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Electric Railway Act*, and of every Act in amendment thereof so incorporated with this Act. Provision of 59 V. c. 38, incorporated. 58 V. c. 38.

13. The railways, or such sections or branches thereof as are authorized by *this Act* shall be commenced within two years and be completed within five years from the passing *hereof*. Time for commencement and completion of lines.

No. 13.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to incorporate The Ingersoll Radial Electric Railway Company.

First Reading, 23rd February, 1897.
Second Reading, 31st March, 1897.

(Reprinted as amended in Committee of the Whole House.)

Mr. McKay,
(Oxford).

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 14. **BILL.** 1897.

An Act to legalize and confirm an agreement entered into by the Municipality of Dysart and others.

Preamble.

WHEREAS the Municipality of Dysart, the Canadian Land and Immigration Company of Haliburton (Limited), the Canadian Bank of Commerce, and William Henry Lockhart Gordon, of the City of Toronto, in the County of York, Gentleman, did enter into an agreement on the 25th day of November, 1896, adopting and extending for a period of five years from the date of the said agreement the provisions of an agreement made by the said Municipality of Dysart with the Canadian Land and Immigration Company (Limited) on the 31st day of July, 1885, relating to the assessment of the real and personal property of the parties to the agreement in the municipality of Dysart; and whereas the said agreement of the 31st day of July, 1885, has already been confirmed by an Act of this Legislature passed in the fiftieth year of Her Majesty's reign, chapter 49; and whereas the said parties hereto have by their petition prayed for an Act ratifying and confirming the said agreement of the 25th day of November, 1896; and whereas it is expedient to grant the prayer of the said petition.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Agreement between municipality of Dysart and others confirmed.

1. The said agreement entered into by and between the municipality of Dysart, the Canadian Land and Immigration Company of Haliburton (Limited), the Canadian Bank of Commerce, and William Henry Lockhart Gordon, on the 25th day of November, 1896, a copy of which is set out in the Schedule to this Act is hereby legalized and confirmed.

SCHEDULE.

This indenture made this 25th day of November, in the year of our Lord one thousand eight hundred and ninety-six, between the Municipality of Dysart (hereinafter called the municipality), of the first part, and the Canadian Land and Immigration Company of Haliburton (Limited), the Canadian Bank of Commerce, and William Henry Lockhart Gordon, of the City of Toronto, in the County of York, Gentleman, of the second part.

Whereas the said municipality did enter into an agreement with the Canadian Land and Immigration Company (Limited) on the 31st day of July, 1885, to regulate the manner in which the said company's property, real and personal, within the municipality of Dysart should be assessed during the period of ten years from the said 31st day of July, 1885.

And whereas all the real and personal property then belonging to the Canadian Land and Immigration Company (Limited) has been transferred to and is now held by the parties hereto of the second part; and it is in the interests of all parties to this agreement that the provisions made by said agreement of the 31st of July, 1885, for the assessment of this real and personal property should be continued for a further period of five years from the date of these presents.

Now, therefore, this indenture witnesseth that the terms and conditions of the said agreement of the 31st July, 1885, as far as they relate to the assessment of the property, real and personal, of the parties hereto of the second part and their lessees in the townships of Dysart, Dudley, Harcourt, Guilford, Harburn, Bruton, Havelock, Eyre and Clyde, or belonging to the Canadian Land and Immigration Company at the time of the making of the said agreement and now held by the parties hereto of the second part, are hereby continued for five years from the date of these presents.

And it is further understood and agreed between the parties hereto that during the said period the municipality of Dysart will incur no extraordinary expenditure without first consulting the ratepayers of the municipality, including the said parties hereto of the second part, regarding such expenditure.

It is also understood and agreed that the first clause of the said agreement of the 31st day of July, 1885, is to continue to be interpreted and understood as provided in the subsequent agreement entered into between the municipality of Dysart and the said the Canadian Land and Immigration Company on the 22nd day of March, 1887.

In witness whereof the said municipality, the said company and the said bank have hereunto set their corporate seals, and the said William Henry Lockhart Gordon his hand and seal the day and year first above written.

Signed, sealed, published and declared as to signature of
WM. GILES,
In the presence of
W. PRUST.

A. B. CAMPBELL,
as to Canadian Land and Immigration Company of Haliburton (Limited), and W. H. Lockhart Gordon.
V. C. Brown.

WM. GILES, Reeve of Dysart. (Seal of Municipality.)

C. J. CAMPBELL, President.
A. SAMPSON, Secretary. (Seal of Company.)

ROBERT KILGOUR, Vice President.
J. H. PLUMMBER, Assistant Gen'l. Manager. (Seal of Bank.)

W. H. LOCKHART GORDON. (Seal.)

No. 14.

3rd Session, 8th Legislature, 60 Vict., 1897.

Bill.

An Act to legalize and confirm an agreement entered into by the Municipality of Dysart and others.

First Reading, , 1897.

(Private Bill.)

Mr. CARNEGIE.

TORONTO :
PRINTED L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 15.] **BILL.** [1897.

An Act respecting the Town of Mitchell.

Preamble.

WHEREAS in a certain action in the Common Pleas Division of the High Court of Justice, commenced on the twenty-first day of May, in the year 1895, wherein the Corporation of the Township of Logan and Tom Coveny, Francis Jacob, Thomas Hill, John Leonnardt and John McGrath, constituting the local board of health of the said Township, were plaintiffs, against Richard Watson Hurlburt, William Richard Davis, James H. Christie, William G. Murphy, William Taylor, the Corporation of the Town of Mitchell and the local board of health of the said Town, were defendants, which said action was tried before The Honorable Mr. Justice Robertson, and in appeal before the Court of Appeal for Ontario, it was finally adjudged and determined that the said above-named defendants William Richard Davis, James H. Christie, William G. Murphy and William Taylor, the individual members of the said local board of health of the said Town of Mitchall, should pay to the said plaintiff, the Corporation of the Township of Logan, the damages caused to the said Township Corporation by the failure, on the part of the said the local board of health, to adequately provide for a smallpox patient, one William Seebach, a traveller from the City of Chicago, in the State of Illinois, who was discovered en route in the said Town of Mitchell, ill with the said disease, and who was, nevertheless, permitted by the said the local board of health of the said Town of Mitchell, to continue his journey to his destination at his father's residence in the said Township of Logan, where expense in duly caring for him, and in preventing the spread of the said disease, was incurred by the said plaintiffs, the Corporation of the Township of Logan, constituting the said damages so recovered as aforesaid in the said action; and whereas the construction of the statute known as *The Public Health Act* in so far as its provisions affected the premises, and especially section 84 thereof, was regarded by

the said defendants as permissive rather than imperative, and they appear to have acted in the premises in good faith and in the honest belief that they had authority to permit the said patient to complete his said journey, and that at all events, in permitting the said patient to so complete his journey, the burden of caring for him, and preventing the spread of the said disease, was cast upon the said the Township of Logan, in relief of the said Town of Mitchell; and whereas Mary Seebach, the mother of the said William Seebach, was infected with the said disease from him, and afterwards also brought an action against the said William Richard Davis, James H. Christie, William G. Murphy and William Taylor for damages, which was compromised by the payment of the sum of $500 to the said Mary Seebach; and whereas the total damages and expenses for which the said William Richard Davis, James H. Christie, William J. Murphy and William Taylor have rendered themselves liable in the said actions, will not exceed the sum of $1,700; and whereas the Corporation of the Town of Mitchell has by its petition prayed for an Act to authorize the Municipal Council of the said Town to pay the said damages and cost, and indemnity the said the members of the local board of health of the said Town, therefrom; and whereas it is expedient to grant the prayer of the said petition;

Now therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Corporation authorized to pay damages and costs recovered against members of board of health.

1. It shall be lawful for the Council of the said Town of Mitchell to pay out of the common funds of the said Town, under their control, the damages, costs and expenses recovered as against and payable or paid by the said William Richard Davis, James H. Christie, William G. Murphy and William Taylor, constituting the local board of health of the said Town in the said actions, including their own costs charges and expenses in defending the same, but in the whole, not to exceed the sum of $1,700.

No. 15.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Town of Mitchell.

First Reading, 1897.

(Private Bill.)

Mr. GARROW.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 16.] **BILL.** [1897.

An Act to consolidate the Debt of the Village of Port Elgin.

Preamble

WHEREAS the corporation of the Village of Port Elgin by their petition have represented that debts and liabilities have been incurred by them in the erection of school buildings, in granting bonuses to manufacturing industries and other public improvements, for which debentures of the said village have from time to time been issued, and that there is still due in respect to the said debentures the sum of $13,200; and whereas the payment of the said debentures as they become due is unduly oppressive to the ratepayers of the said village; and whereas in addition to the said debenture debt the said village is further indebted in a floating debt to the amount of $2,600 incurred for public improvements and other necessary and unforeseen expenditures; and whereas the public school board of the said village has a debt of $1,000, and the high school board a debt of $200, both of which it was expedient that the said village of Port Elgin should assume and both of which have accordingly been so assumed; and whereas the said corporation by their petition have prayed that the said debts and liabilities secured by the said debentures and also those unsecured as aforesaid may be consolidated and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Authority to issue debentures for $17,000.

1. It shall be lawful for the said corporation of the village of Port Elgin from time to time to pass a by-law or by-laws providing for the issue of debentures under its corporate seal, signed by the Reeve and countersigned by the Treasurer, for the time being, for such sums of not less than $100 each and

not exceeding in the whole the sum of $17,000, as the said Council of the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable either in this province or in Great Britain or elsewhere.

Payment of debentures and interest.

2. The said debentures shall be made payable at such period not exceeding thirty-five years from the date thereof as the said Council may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable at such rate not exceeding five per centum per annum as the said Council shall direct, and shall be payable half-yearly.

Assent of electors not required.

3. It shall not be necessary to obtain the assent of the electors of the said village to the issue of the said debentures or to the passing of any by-law directing the issue of the same, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892.*

55 V. c. 42

Irregularities in the form of debentures or by-laws not to invalidate same.

4. No irregularity in the form either of the said debentures or of any by-law authorizing the issuing thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof.

Payment of debt in annual instalments

5. A portion of the said debentures to be issued under this Act shall be made payable in each year after the by-law or by-laws for a period not exceeding thirty-five years from the date thereof, and so that the aggregate amount payable for principle and interest in any one year under any by-law shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debenture debt is to be discharged.

Special rate for payment of debentures and interest.

6. The corporation shall levy in adddition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act.

Calling in outstanding debentures.

7. The Treasurer of the corporation may, on receiving instructions from the Council so to do, from time to time, but only with the consent of the holders thereof, call in any one or more of the outstanding debentures and shall discharge the same with the funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said Council and the said holders of the said outstanding debentures.

8. The said Council may, for the purpose aforesaid, raise money by the sale or hypothecation of the said debentures from time to time as they may deem expedient, and all moneys derived from such sale or hypothecation shall be applied towards the payment of the said debts and for no other purpose whatever, and no by-law or resolution of the said Council shall be any protection to the Treasurer of the said corporation in applying the said moneys in any other manner. Raising money on debentures.

No. 16

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL

An Act to consolidate the Debt of the Village of Port Elgin.

First Reading, 1897.

(Private Bill.)

Mr. McNAUGHTON.

TORONTO.
PRINTED BY L. K CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 16.] **BILL.** [1897.

An Act to consolidate the Debt of the Village of Port Elgin.

Preamble

WHEREAS the corporation of the Village of Port Elgin by their petition have represented that debts and liabilities have been incurred by them in the erection of school buildings, in granting bonuses to manufacturing industries and other public improvements, for which debentures of the said village have from time to time been issued, and that there is still due in respect *of* the said debentures the sum of $13,*127.06*; and whereas the payment of the said debentures as they become due is unduly oppressive to the ratepayers of the said village but all of the said debentures were issued on the instalment plan and have been regularly paid off as they matured; and whereas in addition to the said debenture debt the said village is further indebted in a floating debt to the amount of $2,600 of which about $1,000 was paid in settlement of an action against the corporation for damages resulting from a defective sidewalk and the balance thereof was incurred for public improvements and other necessary and unforeseen expenditures for which for several years past no specific provision has been made; and whereas the public school board of the said village has a debt of $1,000, and the high school board a debt of $*300*, both of which it *is* expedient that the said village of Port Elgin should assume and both of which have accordingly been so assumed; and whereas the items of the said debenture and other debts are set forth in the Schedule A to this Act; and whereas the said corporation by their petition have prayed that the said debts and liabilities secured by the said debentures and also those unsecured as aforesaid may be consolidated and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Authority to issue debentures for $17,000.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. It shall be lawful for the said corporation of the village of Port Elgin from time to time to pass a by-law or by-laws providing for the issue of debentures under its corporate seal, signed by the Reeve and countersigned by the Treasurer, for the time being, for such sums of not less than $100 each and not exceeding in the whole the sum of $17,000, as the said Council of the said corporation may from time to time direct and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable either in this province or in Great Britain or elsewhere.

Payment of debentures and interest.

2. The said debentures shall be made payable at such period not exceeding *twenty* years from the date thereof as the said Council may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable at such rate not exceeding five per centum per annum as the said Council shall direct, and shall be payable half-yearly.

Assent of electors not required.

3. It shall not be necessary to obtain the assent of the electors of the said village to the issue of the said debentures or to the passing of any by-law directing the issue of the same, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*.

55 V. c. 42

Irregularities in the form of debentures or by laws not to invalidate same.

4. No irregularity in the form either of the said debentures or of any by-law authorizing the issuing thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof.

Payment of debt in annual instalments

5. A portion of the said debentures to be issued under this Act shall be made payable in each year after the by-law or by-laws for a period not exceeding *twenty* years from the date thereof, and so that the aggregate amount payable for principle and interest in any one year under any by-law shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debenture debt is to be discharged

Special rate for payment of debentures and interest.

6. The corporation shall levy in adddition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act.

Calling in outstanding debentures.

7. The Treasurer of the corporation may, on receiving instructions from the Council so to do, from time to time, but

only with the consent of the holders thereof, call in any one or more of the outstanding debentures and shall discharge the same with the funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said Council and the said holders of the said outstanding debentures.

Treasurer to keep book showing state of debenture account.

8. It shall be the duty of the treasurer from time to time of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time, be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Raising money on debentures.

9. The said Council may, for the purpose aforesaid, raise money by the sale or hypothecation of the said debentures from time to time as they may deem expedient, and all moneys derived from such sale or hypothecation shall be applied towards the payment of the said debts and for no other purpose whatever, and no by-law or resolution of the said Council shall be any protection to the Treasurer of the said corporation in applying the said moneys in any other manner.

☞SCHEDULE A.

Shewing the outstanding debts of the Corporation of the Village of Port Elgin and of the Public and High School Boards.

DEBENTURES.	PRINCIPAL.	
Harbour	$1,855.00	
Brush Factory	1,111.73	
Button Factory	3,207.38	
Roller Mill	638.00	
Public School	3,137.00	
High School	3,014.00	$12,963.11
Interest to March 1st.		163.93
		$13,127.06
FLOATING DEBT.		
Bank of Hamilton	$1,692.39	
Note, Mrs. J. H. Gordon	1,000.00	$ 2,692.39
Public School Debt	1,000.00	
Hight School Debt	300.00	1,300.00
		$17,119.43

No. 16

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL

An Act to consolidate the Debt of the Village of Port Elgin.

First Reading, 23rd February, 1897.

(*Reprinted as amended by Private Bills Committee.*)

Mr. McNAUGHTON.

TORONTO.
PRINTED BY L. K CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 17.] BILL. [1897.

An Act to confirm By-Law No. 241 of the Village of New Hamburg.

Preamble.

WHEREAS the corporation of the Village of New Hamburg has, by its petition, represented that the said corporation passed a by-law, numbered 241, intituled "A by-law for granting aid by way of loan for the promotion of certain manufacturies within the corporation of the Village of New Hamburg," wherein it was enacted that the said corporation might aid one Alvin R. Burrows in the purchase of a specified factory for the manufacture therein of carpets and chenille goods within the limits of the corporation of New Hamburg, by lending him the sum of $3,500, repayable with interest at three and a half per centum per annum within the period of ten years in pursuance of the terms of said by-law; and whereas there is no other industry of a similar nature established within the limits of the said corporation; and whereas the said by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws, as provided by *The Consolidated Municipal Act, 1892*, and about four-fifths of the ratepayers qualified to vote as aforesaid, voted in favor of the said by-law and only two ratepayers voted against the same; and whereas the said corporation has by its petition prayed that the said by-law may be confirmed and declared legal and valid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 241, confirmed.

1. The said by-law No. 241 of the corporation of the Village of New Hamburg, intituled as in the preamble to this Act and set out in Schedule A to this Act, is hereby confirmed and declared to be valid and binding from the time of the

passing thereof to all intents and purposes, and the said corporation is declared to have been authorized by said by-law No. 241 to grant aid by way of loan to Alvin R. Burrows therein mentioned, to the extent of $3,500, repayable with interest at three and a half per centum per annum within the period of ten years in pursuance of the terms of said by-law, and all acts done or to be done and all payments made or to be made by the said corporation pursuant to the said by-law No. 241 are hereby declared to be valid and binding, anything in any Act to the contrary notwithstanding.

SCHEDULE A

By-Law No. 241.

A by-law for granting aid by way of loan for the promotion of certain manufactures within the corporation of the village of New Hamburg.

Whereas, Alvin R. Burrows, of the town of Guelph, in the county of Wellington, manufacturer, has applied to the municipal council of the said corporation of the said village of New Hamburg, to aid him by lending him the sum of $3,500 and exempting his manufacturing establishment from taxation for a term of ten years on condition that he shall without delay purchase the premises within the corporation of New Hamburg, known as the carriage factory of the late Frederick Merner, deceased, being a brick building two stories in height, 220 feet long and 30 feet in width with wing in rear 30 feet by 30 feet, and to be furnished and completed with all suitable machinery for the manufacture of carpets and chenille goods, being fabrics, not at present manufactured in the said village, and said factory shall cost at least $6,000, the same to be completed and in running order on or before the first day of June, 1897, and shall repay the said loan in and by three successive annual instalments of $1,166.66⅔ each, the first thereof to become due on the 31st day of December, 1904, and interest at the rate of three and a half per cent. on the whole amount of unpaid principal from the 31st day of December, 1896, payable annually for 10 years on the 31st day of December each year, the first payment of said interest to become due and payable on the 31st day of December, 1897, unless the said principal money and interest shall become due sooner by reasons of any breach of conditions as hereinafter mentioned, and upon the further condition, that the said Burrows will run the said factory for at least 10 months in each year and employ whilst in operation during the term of 10 years from after the 1st day of June, 1897, at least 30 persons (no one of whom shall be less than 15 years of age) and who shall be engaged in the running and working of his said factory, situate within the limits of the said village of New Hamburg during the said term of 10 years. And the said Burrows shall enter into a written agreement with the said corporation to do all things before mentioned as to be done on his part, and that in failure or breach of any one or more of the said conditions the said Burrows shall immediately thereafter repay to the said corporation the said loan with interest thereon at the said rate to the time of payment, and as a further condition the said Burrows shall at or before the time the said money shall be lent to him under the provisions of this by-law, give security, satisfactory to the said corporation, by way of mortgage on the said factory and the machinery therein for the observance of said conditions and repayment of the said loan with the interest thereon.

And whereas in order to aid the said Alvin R. Burrows in manner aforesaid, it is necessary and intended by this by-law to create a debt on the

part of the said corporation to the amount of $3,500 and to provide for the issue of debentures as hereinafter mentioned.

And whereas it is requisite to raise annually by special rate during said term for paying the said debt and interest the sum of $453.28.

And whereas the amount of the whole rateable property of the said municipality is $341,648, according to the last revised assessment roll.

And whereas the amount of the existing debenture debt of the said municipality is $6,935.30, no part of which for principal or interest is in arrears.

Be it therefore enacted by the corporation of the village of New Hamburg by the municipal council thereof in council duly assembled, and it is hereby enacted as follows :—

1. That it shall and may be lawful for the municipal council of the corporation of the village of New Hamburg to aid the said Alvin R. Burrows in the purchase of the said factory premises for the manufacture of carpets and chenille goods, as hereinbefore recited within the limits of the said corporation, by loaning him the sum of $3,500, repayable with interest within the period of ten years (unless the same shall become due and payable by reason of the breach of any one or more of the conditions or restrictions attached to the said loan), on condition for the repayment thereof by instalments and as hereinbefore mentioned.

2. That it shall and may be lawful for the reeve of the said corporation to cause to be raised by way of loan the aforesaid sum of $3,500 for the purpose hereinbefore mentioned from any person or persons or body or bodies corporate who may be willing to advance the same upon the credit of the debentures hereinafter mentioned, and to cause the same to be paid to the treasurer of the said village.

3. Debentures of the said municipality, sealed with its corporate seal and signed by the said reeve and treasurer, shall be issued to the amount of the said sum of $3,500, and shall be made for the respective amounts and payable on the 31st day of December in the respective years following, that is to say :—

In the year 1897 the sum of	$278 28
In the year 1898 the sum of	292 21
In the year 1899 the sum of	306 81
In the year 1900 the sum of	322 14
In the year 1901 the sum of	338 14
In the year 1902 the sum of	355 18
In the year 1903 the sum of	372 92
In the year 1904 the sum of	391 58
In the year 1905 the sum of	411 14
In the year 1906 the sum of	431 48

And the said debentures shall have attached thereto coupons for the payment of the interest thereon.

4. That the said debentures shall bear interest at the rate of five per centum per annum from the 31st day of December, 1896, and such interest shall be payable yearly thereafter on each 31st day of December during the currency of the said debentures respectively.

5. The said debentures, as to the principal and interest, shall be payable at the office of the Western Bank of Canada in the said village of New Hamburg.

6. For the purpose of paying the said debt and interest, the said sum of $453.28 shall be raised and levied in each year during the currency of the said debentures or any of them by a special rate sufficient therefor on all the rateable property of the said municipality.

7. That a poll shall be held and the votes of the ratepayers entitled to vote upon this by-law shall be taken thereon in the council chambers of the said village of New Hamburg, on Monday, the 30th day of November,

in the year of our Lord, 1896, commencing at the hour of nine o'clock in the forenoon and closing at five o'clock in the afternoon, and that the returning officer for taking the said votes shall be William Millar, clerk of the said council.

8. That the said clerk shall sum up the number of votes given for and against the said by-law at the said council chambers on the said 30th day of November, 1896, immediately after the closing of the said poll.

9. The reeve of the said village will attend at the said clerk's office in the said village on Friday, the 27th day of November, 1896, at the hour of 10 o'clock in the forenoon, to appoint persons to attend at the polling place and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing the passage of the by-law.

10. That this by-law shall come into force and take effect from and after the same has been duly legalized and confirmed by the Legislature of the Province of Ontario.

NOTICE.

This copy is a true copy of the proposed by-law, which has been taken into consideration and which will be finally passed by the council in the event of the assent of the electors being obtained thereto after one month from the first publication in the *Hamburg Independent* newspaper, dated Friday, the 6th day of November, A.D., 1896, and at hour, day and place therein fixed for taking the votes of the electors the poll will be held.

(Sgd.) WM. MILLAR,
Municipal Clerk, New Hamburg,

Finally passed after the assent of the ratepayers at the council chambers at the village of New Hamburg, this 7th day of December, A.D., 1896.

(Sgd.) SAMUEL MERNER Reeve, (L.S.)

Countersigned. (Sgd.) WM. MILLAR, Clerk.

I, the undersigned clerk of the corporation of the village of New Hamburg, in the county of Waterloo, and Province of Ontario, hereby certify that the above and foregoing typewritten paper, marked "Schedule A" is a true copy of by-law No. 241 of the said corporation, and annexed thereto is a draft bill of the Legislature of the said province to confirm and legalize the said by-law.

In testimony whereof I have affixed the seal of the said corporation at New Hamburg aforesaid, the 3rd day of February, A.D., 1897.

WM. MILLAR, Clerk.

No. 17.

3rd Session, 8th Legislature, 60 Vic., 1897.

BILL.

An Act to confirm By-Law No. 241 of the Village of New Hamburg.

First Reading, 1897.

(Private Bill.)

Mr. MOORE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 17.] BILL. [1897.

An Act to confirm By-Law No. 241 of the Village of New Hamburg.

Preamble. WHEREAS the corporation of the Village of New Hamburg has, by its petition, represented that the said corporation passed a by-law, numbered 241, intituled "A by-law for granting aid by way of loan for the promotion of certain manufacturies within the corporation of the Village of New Hamburg," wherein it was enacted that the said corporation might aid one Alvin R. Burrows in the purchase of a specified factory for the manufacture therein of carpets and chenille goods within the limits of the corporation of New Hamburg, by lending him the sum of $3,500, repayable with interest at three and a half per centum per annum within the period of ten years in pursuance of the terms of said by-law; and whereas there is no other industry of a similar nature established within the limits of the said corporation; and whereas the said by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws, as provided by *The Consolidated Municipal Act, 1892*, and about four-fifths of the ratepayers qualified to vote as aforesaid, voted in favor of the said by-law and only two ratepayers voted against the same; and whereas the granting of such bonus would be in other respects substantially within the repealed provisions of *The Municipal Act* as amended by *The Municipal Amendment Act, 1888*, relating to the granting of bonuses to manufacturers; and whereas the said corporation has by its petition prayed that the said by-law may be confirmed and declared legal and valid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 241, confirmed.

1. The said by-law No. 241 of the corporation of the Village of New Hamburg, intituled as in the preamble to this Act and set out in Schedule A to this Act, is hereby confirmed and declared to be valid and binding from the time of the passing thereof to all intents and purposes, and the said corporation is declared to have been authorized by said by-law No. 241 to grant aid by way of loan to Alvin R. Burrows therein mentioned, to the extent of $3,500, repayable with interest at three and a half per centum per annum within the period of ten years in pursuance of the terms of said by-law, and all acts done or to be done and all payments made or to be made by the said corporation pursuant to the said by-law No. 241 are hereby declared to be valid and binding, anything in any Act to the contrary notwithstanding.

SCHEDULE A.

By-Law No. 241.

A by-law for granting aid by way of loan for the promotion of certain manufactures within the corporation of the village of New Hamburg.

Whereas, Alvin R. Burrows, of the town of Guelph, in the county of Wellington, manufacturer, has applied to the municipal council of the said corporation of the said village of New Hamburg, to aid him by lending him the sum of $3,500 and exempting his manufacturing establishment from taxation for a term of ten years on condition that he shall without delay purchase the premises within the corporation of New Hamburg, known as the carriage factory of the late Frederick Merner, deceased, being a brick building two stories in height, 220 feet long and 30 feet in width with wing in rear 30 feet by 30 feet, and to be furnished and completed with all suitable machinery for the manufacture of carpets and chenille goods, being fabrics, not at present manufactured in the said village, and said factory shall cost at least $6,000, the same to be completed and in running order on or before the first day of June, 1897, and shall repay the said loan in and by three successive annual instalments of $1,166.66⅔ each, the first thereof to become due on the 31st day of December, 1904, and interest at the rate of three and a half per cent. on the whole amount of unpaid principal from the 31st day of December, 1896, payable annually for 10 years on the 31st day of December each year, the first payment of said interest to become due and payable on the 31st day of December, 1897, unless the said principal money and interest shall become due sooner by reasons of any breach of conditions as hereinafter mentioned, and upon the further condition, that the said Burrows will run the said factory for at least 10 months in each year and employ whilst in operation during the term of 10 years from after the 1st day of June, 1897, at least 30 persons (no one of whom shall be less than 15 years of age) and who shall be engaged in the running and working of his said factory, situate within the limits of the said village of New Hamburg during the said term of 10 years. And the said Burrows shall enter into a written agreement with the said corporation to do all things before mentioned as to be done on his part, and that in failure or breach of any one or more of the said conditions the said Burrows shall immediately thereafter repay to the said corporation the said loan with interest thereon at the said rate to the time of payment, and as a further condition the said Burrows shall at or before the time the said money shall be lent to him under the provisions of this by-law, give security, satisfactory to the said corporation, by way of mortgage on the said factory and the machinery therein for the observance of said conditions and repayment of the said loan with the interest thereon.

And whereas in order to aid the said Alvin R. Burrows in manner aforesaid, it is necessary and intended by this by-law to create a debt on the part of the said corporation to the amount of $3,500 and to provide for the issue of debentures as hereinafter mentioned.

And whereas it is requisite to raise annually by special rate during said term for paying the said debt and interest the sum of $453.28.

And whereas the amount of the whole rateable property of the said municipality is $341,648, according to the last revised assessment roll.

And whereas the amount of the existing debenture debt of the said municipality is $6,935.30, no part of which for principal or interest is in arrears.

Be it therefore enacted by the corporation of the village of New Hamburg by the municipal council thereof in council duly assembled, and it is hereby enacted as follows :—

1. That it shall and may be lawful for the municipal council of the corporation of the village of New Hamburg to aid the said Alvin R. Burrows in the purchase of the said factory premises for the manufacture of carpets and chenille goods, as hereinbefore recited within the limits of the said corporation, by loaning him the sum of $3,500, repayable with interest within the period of ten years (unless the same shall become due and payable by reason of the breach of any one or more of the conditions or restrictions attached to the said loan), on condition for the repayment thereof by instalments and as hereinbefore mentioned.

2. That it shall and may be lawful for the reeve of the said corporation to cause to be raised by way of loan the aforesaid sum of $3,500 for the purpose hereinbefore mentioned from any person or persons or body or bodies corporate who may be willing to advance the same upon the credit of the debentures hereinafter mentioned, and to cause the same to be paid to the treasurer of the said village.

3. Debentures of the said municipality, sealed with its corporate seal and signed by the said reeve and treasurer, shall be issued to the amount of the said sum of $3,500, and shall be made for the respective amounts and payable on the 31st day of December in the respective years following, that is to say :—

In the year 1897 the sum of	$278 28
In the year 1898 the sum of	292 21
In the year 1899 the sum of	306 81
In the year 1900 the sum of	322 14
In the year 1901 the sum of	338 14
In the year 1902 the sum of	355 18
In the year 1903 the sum of	372 92
In the year 1904 the sum of	391 58
In the year 1905 the sum of	411 14
In the year 1906 the sum of	431 48

And the said debentures shall have attached thereto coupons for the payment of the interest thereon.

4. That the said debentures shall bear interest at the rate of five per centum per annum from the 31st day of December, 1896, and such interest shall be payable yearly thereafter on each 31st day of December during the currency of the said debentures respectively.

5. The said debentures, as to the principal and interest, shall be payable at the office of the Western Bank of Canada in the said village of New Hamburg.

6. For the purpose of paying the said debt and interest, the said sum of $453.28 shall be raised and levied in each year during the currency of the said debentures or any of them by a special rate sufficient therefor on all the rateable property of the said municipality.

7. That a poll shall be held and the votes of the ratepayers entitled to vote upon this by-law shall be taken thereon in the council chambers of

the said village of New Hamburg, on Monday, the 30th day of November, in the year of our Lord, 1896, commencing at the hour of nine o'clock in the forenoon and closing at five o'clock in the afternoon, and that the returning officer for taking the said votes shall be William Millar, clerk of the said council.

8. That the said clerk shall sum up the number of votes given for and against the said by-law at the said council chambers on the said 30th day of November, 1896, immediately after the closing of the said poll.

9. The reeve of the said village will attend at the said clerk's office in the said village on Friday, the 27th day of November, 1896, at the hour of 10 o'clock in the forenoon, to appoint persons to attend at the polling place and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing the passage of the by-law.

10. That this by-law shall come into force and take effect from and after the same has been duly legalized and confirmed by the Legislature of the Province of Ontario.

NOTICE.

This copy is a true copy of the proposed by-law, which has been taken into consideration and which will be finally passed by the council in the event of the assent of the electors being obtained thereto after one month from the first publication in the *Hamburg Independent* newspaper, dated Friday, the 6th day of November, A.D., 1896, and at hour, day and place therein fixed for taking the votes of the electors the poll will be held.

(Sgd.) WM. MILLAR,
Municipal Clerk, New Hamburg,

Finally passed after the assent of the ratepayers at the council chambers at the village of New Hamburg, this 7th day of December, A.D., 1896.

(Sgd.) SAMUEL MERNER Reeve, (L.S.)

Countersigned. (Sgd.) WM. MILLAR, Clerk.

I, the undersigned clerk of the corporation of the village of New Hamburg, in the county of Waterloo, and Province of Ontario, hereby certify that the above and foregoing typewritten paper, marked "Schedule A" is a true copy of by-law No. 241 of the said corporation, and annexed thereto is a draft bill of the Legislature of the said province to confirm and legalize the said by-law.

In testimony whereof I have affixed the seal of the said corporation at New Hamburg aforesaid, the 3rd day of February, A.D., 1897.

WM. MILLAR, Clerk.

No. 17.

3rd Session, 8th Legislature, 60 Vic., 1897.

BILL.

An Act to confirm By-Law No. 241 of the Village of New Hamburg.

First Reading, 25th February, 1897.

(Reprinted as amended by Private Bills Committee.)

Mr. MOORE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 18] **BILL.** [1897.

Act to incorporate The Petewawa Lumber, Pulp and Paper Company.

WHEREAS, Aage Drewsan, George Urban, Jr., Tracy C. Becker, George Dakin, and Andrew T. Mohr, have, by their petition set forth that it is desirable and in the public interest that lumber, pulp and other mills should be built and operated at Petewawa Station, in the township of Petewawa, and other places in the Province of Ontario, and have prayed that an act may be passed to incorporate the Petewawa Lumber Pulp and Paper Company, with the objects, purposes and powers hereinafter set forth; and whereas, the municipality of Petewawa has, by its petition, prayed that the said company should be incorporated with the powers and the purposes hereinafter mentioned: and whereas, it is expedient to grant the prayer of the said petitions; Preamble

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Aage Drewsen, manufacturer, of the City of New York, George Urban, Jr., banker, Tracy C. Becker, Attorney, George Dakin, Financial Agent, all of the City of Buffalo, and Andrew T. Mohr, Lumber Dealer, of the City of Niagara Falls, all of the State of New York, United States of America, together with such other persons, firms and corporations as shall become stockholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, with perpetual succession and a common seal, by the name of "The Petewawa Lumber Pulp and Paper Company." Incorporation.

Powers of Company

2. The said Company shall have power:—

(1) To construct, build and operate, lumber, pulp and other mills, and to engage in the manufacture and sale of lumber and pulp, and all manufactures in the production of which lumber or pulp are used at Petewawa and elsewhere in the Province of Ontario.

(2) To purchase, lease, or otherwise acquire water-power or other power, and to generate water, electric or other power, and to use, sell or lease, or otherwise dispose of such water or other power.

(3) To acquire by purchase or otherwise, timber of every description, and to acquire and hold timber licenses granted by the Crown.

(4) To acquire by purchase, lease or otherwise, real and personal property of every description required for the purposes of the Company; and to lease, sell and convey the same when no longer required for the purposes of the Company.

(5) To construct, build and maintain dams for the purpose of holding reserves of water at any point or points on the Petewawa River, provided that in the construction of such dam or dams, an opening or openings, with necessary slide or slides for the safe transmission of square timber, sawlogs or other lumber, shall always be maintained free of charge when required for the use of all persons who may desire to transmit square timber, sawlogs or other lumber down the said river.

(6) Subject to the consent of the municipality or municipalities interested, to construct and operate electrical or other railways and telephone lines, and lines for the transmission of electric power from any point at or near the Company's works, to such other point or points as may be deemed advisable.

Application of R. S. O., c. 156.

3. *The Ontario Joint Stock Companies' General Clause Act* shall be incorporated with this Act, so far as it is applicable and not inconsistent with or repugnant to any of the provisions thereof.

52 V. c. 26, not to apply to company.

4. The Company shall not be subject to the provisions of an Act respecting *The Limited Liability of Incorporated Companies* passed the 52nd year of Her Majesty's reign, Chapter 26, and the said Act shall not apply to the said Company.

Provisional directors.

5. The said Aage Drewsen, George Urban, Jr., Tracy C. Becker, George Dakin and Andrew T. Mohr shall be, and hereby are constituted a board of provisional directors, a majority of whom shall form a quorum, and the said provisional directors shall hold office as such until other directors shall be appointed under the provision of this Act, by the shareholders, and shall have power to open stock books, and

procure subscriptions for the undertaking, to make calls upon the subscribers, to call a general meeting of the shareholders for the election of directors, and generally to do all such other acts as a board of directors under this Act may lawfully do.

Rights of aliens.

6. Aliens, as well as British subjects, whether residing in Canada or elsewhere, may be shareholders in this company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to hold office as directors or otherwise in said Company, and in all their affairs shall enjoy the same rights and privileges as shareholders as they could do if British subjects; and it shall not be necessary for any of the directors of the said Company to be British subjects.

Capital stock.

7. The amount of the capital stock of the said Company shall be $1,000,000, divided into 10,000 shares of $100 each.

Head office.

8. The head office of the said Company shall be at Petewawa, in the County of Renfrew, Ontario.

Purchasing securities of other companies.

9. The Company may purchase the bonds, debentures or stock of any incorporated company now or hereafter incorporated, which has, or may have, for its object the promotion of any of the objects which The Petewawa Lumber, Pulp and Paper Company is authorized to carry out, or the bonds, debentures or stock of any company which may wholly or in part derive the right, privileges or franchises from the said Petewawa Lumber, Pulp and Paper Company, and may loan money upon the security of such bonds, debentures or stock at such rate of interest as may be agreed upon.

Borrowing powers.

10.—(1) In case a by-law authorizing the same is sanctioned by a vote of not less than two-thirds in value of the shareholders of the company, then present in person, or by proxy, at a general meeting duly called for considering the by-law, the directors may borrow money upon the credit of the company, and issue the bonds or debentures or other securities of the company, and may sell the said bonds, debentures or other securities at such prices as may be deemed expedient or necessary; but no such bond, debenture or other security shall be for a less sum than $100.

Pledging property of company.

(2) The directors may, under a like sanction, hypothecate, mortgage or pledge the real or personal property of the Company to secure any sum or sums appropriated for the purposes thereof.

Certain payments may be made in paid-up stock.

11. The provisional directors or elected directors of said Company may pay, or agree to pay in paid-up stock or bonds of the said Company, such sums as they may deem expedient to engineers or contractors, or for land or lands covered with

water, or for water power, or plant and machinery required to carry on the purposes of the Company; and also when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters and other persons who may be employed by the directors in furthering the undertaking of the Company, whether such promoters or other persons be provisional or elected directors or not, and any agreements so made, shall be binding on the Company.

Preference stock.

12.—(1) The directors of the Company may pass a by-law for creating and issuing any part of the capital stock of the company as preference stock, giving the same such preference and priority, as respects dividends and otherwise over ordinary stock as may be declared by the by-law.

(2) The by-law may provide that the holders of such preference shares shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the Company as may be considered expedient.

(3) No such by-law shall have any force or effect whatever until after it has been sanctioned by a vote of three-fourths in value of the shareholders present, in person or by proxy, at a general meeting of the Company, duly called for considering the same, or sanctioned in writing by the same proportion of the shareholders of the Company.

(4) Holders of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of such shareholders, provided, however, that in respect of dividends and otherwise, they shall, as against the original or ordinary shareholders, be entitled to the preference given by any by-law as aforesaid.

(5) Nothing in this section shall affect or impair the rights of creditors of the said company.

Mortgages to secure bonds of company.

13. The said company may secure the bonds, debentures or other securities, which they are authorized to issue under this Act, by a mortgage, deed or deeds, creating such mortgages, charges and incumbrances upon the property, assets, rents and revenues of the company, present or future or both, which may be described in such deed.

(*a*) By any such deed the Company may grant to the holders of such bonds, debentures or other securities, or to the trustees named in such deed, all powers, rights and remedies not inconsistent with the laws of the Province, or may restrict the said holders in the exercise of any power, privilege or remedy (as the case may be); and all the powers, rights and remedies so provided for in such deed shall be valid and binding and available to the said holders or to the said trustees.

14. The directors of the Company may at any time pass a by-law authorizing the said directors at any time to appoint an executive committee composed of any two or more of their number for such purposes and with such powers as may be prescribed by resolution of the directors, and all contracts or obligations entered into by the said committee on behalf of the company shall be binding upon the company as fully and effectually as if done by the full board of directors, but no such by-law shall be valid or acted upon unless it is sanctioned by a majority in value of the shareholders present in person or by proxy, at a general meeting of the Company.

Executive committee of directors.

15. At all meetings of the Company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the company provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

Shareholders may vote by proxy.

No. 18.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to incorporate The Petewawa Lumber, Pulp and Paper Company.

First Reading, 1897.

(Private Bill.)

Mr. BARR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 19.] **BILL.** [1897.

An Act to confer certain powers on the Village of Port Dalhousie.

Preamble.

WHEREAS, the Village of Port Dalhousie has, by its petition represented that a manufacturing industry known as The Toronto Rubber Shoe Manufacturing Company (Limited), at present established in said village has received an offer from another municipality within the Province of Ontario of a bonus and lands and building for the use of such company in case the said company would remove their establishment from the said Village of Port Dalhousie to such other municipality; and whereas the said company have requested the said Village of Port Dalhousie to aid said company by bonus or otherwise and the said Village is desirous of granting aid to secure the retention of said industry within the said Village thereby giving employment to a large number of persons in said Village and has prayed that special powers may be granted to enable said Village to grant such aid; and whereas the case of the said Village is exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Village authorized to aid Toronto Rubber Shoe Manfg. Co.

1. It shall be lawful for the Village of Port Dalhousie to grant aid to The Toronto Rubber Shoe Manufacturing Company (Limited) by bonus or to acquire by purchase, lease or otherwise any lands or buildings and to improve and erect buildings thereon and grant the same or any interest therein or the use thereof to such company for manufacturing purposes to an amount not exceeding under the powers conferred by this Act an aggregate of six thousand five hundred dollars; to issue debentures to raise money for the

purposes aforesaid extending over a period not exceeding thirty years and do all other acts in connection therewith as if the power to grant bonuses was still vested in municipalities.

Assent of electors required.

2. No such aid shall be given till after the passing of a by-law by the Municipal Council of the said Village for the purpose and the adoption of such by-law by the qualified electors as provided in *The Consoliated Municipal Act, 1892*, for the creation of debts and except as herein otherwise provided all the provisions of *The Consolidated Municipal Act, 1892*, relating to the creation of debts and the assent of the qualified ratepayers shall apply.

5 V. c. 42.

55 V. c. 42.

Majority required.

3. Notwithstanding anything contained in the preceding section of this Act the vote of the majority in the affirmative of the ratepayers of said Village who are entitled to vote on such by-law as well as a majority of the ratepayers voting on the by-law shall be necessary in order to the carrying of the by-law.

Certificate of clerk as to majority.

4. In addition to the certificate required by section 318 of *The Consolidated Municipal Act, 1892*, the clerk, in case of a majority of votes being in favor of the by-law, shall further certify whether or not, as shown by the voters' list such majority appears to be a majority of all the voters who are entitled to vote on the by-law.

55 V. c. 42.

Deciding disputes as to result of vote.

5. In case of a dispute as to the result of the vote on any by-law submitted under this Act the County Judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

Proceedings on scrutiny.

6. The petition to the Judge may be by an elector or by the Council, and the proceedings for obtaining the Judge's decision shall be the same as nearly as in the case of a scrutiny.

Application of certain sections of 55 V. c. 42.

7. Sections 209 to 222, 293 to 319 and sections 321 to 328 inclusive, of *The Consolidated Municipal Act, 1892*, and their subsections shall be taken and considered as part of this Act.

Application of general provisions as to creation of debts.

8. Except as otherwise provided in this Act, all the clauses of *The Consolidated Municipal Act, 1892*, relating to the creation of debts, the issue of debentures and the time and manner of repayment of the same, shall apply and be read as part of this Act.

No. 19.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to confer certain Powers on the Village of Port Dalhousie.

First Reading, 1897.

(Private Bill.)

Mr. HISCOTT.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 19.] BILL. [1897.

An Act to confer certain powers on the Village of Port Dalhousie

Preamble. WHEREAS *the corporation of* the Village of Port Dalhousie has by its petition represented that a manufacturing industry known as The Toronto Rubber Shoe Manufacturing Company (Limited), at present established in *the* said village has received an offer from another municipality within the Province of Ontario of a bonus and lands and buildings for the use of such company in case the said company would remove their establishment from the said Village of Port Dalhousie to such other municipality; and whereas the said industry is the only manufacturing industry of the said village, and one hundred and ninety-five operatives have on on average been employed therein, and about sixty-seven thousand dollars a year have been paid for the wages of the said operatives, and whereas the said company have requested the said *corporation of the* Village of Port Dalhousie to aid *the* said company by bonus or otherwise and the said *corporation of the* Village *of Port Dalhousie* is desirous of granting aid to secure the retention of said industry within the said Village thereby giving employment to a large number of persons in *the* said Village and has prayed that special powers may be granted to enable *the corporation of the* said Village *of Port Dalhousie* to grant such aid; and whereas no opposition has been offered to the granting of the prayer of the said petition and the case of the said Village is by reason of the facts in the said petition set forth quite exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Village authorized to aid Toronto Rubber Shoe Manfg. Co.

1.—(1) It shall be lawful for the *corporation of the* Village of Port Dalhousie to grant aid to The Toronto Rubber Shoe Manufacturing Company (Limited) by bonus or to acquire by purchase, lease or otherwise any lands or buildings and to improve and erect buildings thereon and grant the same or any interest therein or the use thereof to such company for manufacturing purposes to an amount not exceeding under the powers conferred by this Act an aggregate of six thousand five hundred dollars; to issue debentures to raise money for the purposes aforesaid and do all other acts in connection therewith as if the power to grant bonuses was still vested in municipalities.

(2) No by-law for granting any bonus under or in pursuance of the provisions of this Act shall be valid where the granting of such bonus would for its payment together with the payment of similar bonuses already granted by the said village corporation require an annual levy for principal and interest exceeding ten per cent. of the total annual municipal taxation thereof.

Assent of electors required.

2. No such aid shall be given till after the passing of a by-law by the Municipal Council of the said Village for the purpose and the adoption of such by-law by the qualified electors as provided in *The Consolidated Municipal Act, 1892*, for the creation of debts and except as herein otherwise provided all the provisions of *The Consolidated Municipal Act, 1892*, relating to the creation of debts and the assent of the qualified ratepayers shall apply.

55 V. c. 42.

Majority required.

3. Notwithstanding anything contained in the preceding section of this Act the vote of *two-thirds* in the affirmative of the ratepayers of *the* said Village *of Port Dalhousie* who are entitled to vote on such by-law as well as a majority of the ratepayers voting on the by-law shall be necessary in order to the carrying of the by-law.

Certificate of clerk as to majority.

55 V. c. 42.

4. In addition to the certificate required by section 318 of *The Consolidated Municipal Act, 1892*, the clerk, in case of a majority of votes being in favor of the by-law, shall further certify whether or not, as shown by the voters' list such majority appears to be *two-thirds* of all the voters who are entitled to vote on the by-law.

Deciding disputes as to result of vote.

5. In case of a dispute as to the result of the vote on any by-law submitted under this Act the County Judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

Proceedings on scrutiny.

6. The petition to the Judge may be by an elector or by the Council, and the proceedings for obtaining the Judge's decision shall be the same as nearly as in the case of a scrutiny.

7. Sections 209 to 222, 293 to 319 and sections 321 to 328 inclusive, of *The Consolidated Municipal Act, 1892*, and their subsections shall be taken and considered as part of this Act. Application of certain sections of 55 V. c. 42.

8 Except as otherwise provided in this Act, all the clauses of *The Consolidated Municipal Act, 1892*, relating to the creation of debts, the issue of debentures and the time and manner of repayment of the same, shall apply and be read as part of this Act. Application of general provisions as to creation of debts.

No. 19.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to confer certain Powers on the Village of Port Dalhousie.

First Reading, 25th February, 1897.

(Reprinted as amended by Private Bills Committee.)

Mr. HISCOTT.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 20.] **BILL.** [1897.

An Act respecting the Village of East Toronto.

WHEREAS the treasurer of the municipality of the Village of East Toronto, omitted to furnish the treasurer of the County of York, with statements of unpaid taxes and school rates directed in the collectors' rolls to be collected for the years 1888, 1889, 1890, 1891, 1892 and 1893 as required by section 145 of *The Consolidated Assessment Act, 1892*; and whereas such statements for the said years were not furnished until the 14th day of June, A. D. 1895, but the statements for the year 1894, was regularly furnished in the month of April, 1895; and whereas the said county treasurer has furnished to the clerk of the said municipality of the Village of East Toronto a list of the lands liable to be levied upon by sale for taxes as required by section 140 of *The Consolidated Assessment Act, 1892*, but doubts have arisen as to the power to sell the lands upon which the taxes have not been paid for the years 1888 to 1893 inclusive; and whereas the corporation of the said Village of East Toronto have in and by their petition prayed for the passing of an Act to legalize the return of the said statements for the years 1888 to 1893 inclusive and to enable the said county treasurer to sell for unpaid taxes for any of the said last mentioned years the lands liable for same; and whereas the corporation of the said village by their petition have further prayed to have all powers conferred upon towns and cities by sections 121, 140, 143, 145, 152, 158, 161, 171 *a*, 173, 181, 182, 204, and 205 of *The Consolidated Assessment Act, 1892*, and all duties imposed by said sections upon the officers of such cities and towns and the mayors thereof vested in and applied to the Village of East Toronto and to the reeve of said village in so far as the said sections relate to the col- Preamble. 55 V. c. 48. 55 V. c. 48. 55 V. c. 48

lection of arrears of taxes and the sale of lands for taxes in the said village; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of Legislative Assembly of the Province of Ontario, enacts as follows:—

Statements as to arrears of taxes confirmed.

1. The statements of unpaid taxes and school rates furnished by the treasurer of the municipality of the Village of East Toronto to the treasurer of the County of York, on the 14th day of June, A. D. 1895 for the years 1888 to 1893, inclusive are hereby declared to be legal, valid and binding upon all parties, to some extent and effect as if made on the days and times required by section 145 of *The Consolidated Assessment Act, 1892.*

55 V. c. 48.

Duty of treasurer of county.

55 V. c. 48.

2. That the treasurer of the said County of York shall for each of the years 1888 to 1893 inclusive add the annual per centage as provided by section 157 of *The Consolidated Assessment Act, 1892,* to all taxes in arrears for the said years or any of them notwithstanding that the said taxes were not returned to his office as in arrears until the 14th day of June 1895 as aforesaid, and shall as provided in the said last mentioned Act, sell for the said taxes, percentages and costs the lands in said Village of East Toronto in arrears for taxes ofr said years or any of them.

Village authorized to sell land for taxes.
55 V. c. 48.

3. All powers conferred upon towns and cities by sections 121, 140, 143, 145, 152, 158, 161, 171 a, 173, 181, 182, 204, and 205 of *The Consolidated Assessment Act, 1892,* and all duties imposed by said sections upon the officers of such cities and towns and the mayors thereof shall hereafter be vested in and apply to the Village of East Toronto in the County of York and to the the reeve of said village and for the collection of arrears of taxes on lands therein and the sale of such lands for taxes, the said village shall be considered as a town, and wherever the word town occurs in any of the said sections it shall be held to apply to and include the said village and whenever the word mayor occurs in the said section it shall be held to apply to the reeve of the said village for the time being.

County treasurer to sell lands already returned.

4. The sale of all lands in respect of which returns have already been made by the treasurer of the said Village of East Toronto to the treasurer of the County of York, shall be carried on and completed by the said treasurer of the County of York.

5. Schedule K to *The Consolidated Assessment Act, 1892*, as the same is amended by section 12 of *The Assessment Amendment Act, 1896*, is further amended by adding after the word "Township" wherever it occurs in the said schedule the words "or the Village of East Toronto." 55 V. c. 48 Schedule K amended as to village.

6. The municipal council of the corporation of the Village of East Toronto may by by-law appoint and authorise their treasurer to levy and collect all taxes, rates and assessments which may be imposed from year to year by said municipal council with all the powers conferred by law upon a collector of taxes, anything to the contrary in any general Act notwithstanding. Treasurer of village may be authorised to act as collector.

No. 20.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Village of East Toronto.

First Reading, 1897.

(Private Bill.)

Mr. RICHARDSON.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 20.] BILL. [1897.

An Act respecting the Village of East Toronto.

Preamble. WHEREAS the treasurer of the municipality of the Village of East Toronto, omitted to furnish the treasurer of the County of York, with statements of unpaid taxes and school rates directed in the collectors' rolls to be collected for the years 1888, 1889, 1890, 1891, 1892 and 1893 as required by section 145 of *The Consolidated Assessment Act, 1892*; 55 V. c. 48. and whereas such statements for the said years were not furnished until the 14th day of June, A. D. 1895, but the statements for the year 1894, was regularly furnished in the month of April, 1895; and whereas the said county treasurer has furnished to the clerk of the said municipality of the Village of East Toronto a list of the lands liable to be levied upon by sale for taxes as required by section 140 of *The Consolidated Assessment Act, 1892*, 55 V. c. 48. but doubts have arisen as to the power to sell the lands upon which the taxes have not been paid for the years 1888 to 1893 inclusive; and whereas the corporation of the said Village of East Toronto have in and by their petition prayed for the passing of an Act to legalize the return of the said statements for the years 1888 to 1893 inclusive and to enable the said county treasurer to sell for unpaid taxes for any of the said last mentioned years the lands liable for same; and whereas the corporation of the said village by their petition have further prayed to have all powers conferred upon towns and cities by sections 121, 140, 143, 145, 152, 158, 161, 171 *a*, 173, 181, 182, 204, and 205 of *The Consolidated Assessment* 55 V. c. 48 *Act, 1892*, and all duties imposed by said sections upon the officers of such cities and towns and the mayors thereof vested in and applied to the Village of East Toronto and to the reeve of said village in so far as the said sections relate to the col-

lection of arrears of taxes and the sale of lands for taxes in the said village; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of Legislative Assembly of the Province of Ontario, enacts as follows:—

Statements as to arrears of taxes confirmed.

1. The *returns of* statements of unpaid taxes and school rates furnished by the treasurer of the municipality of the Village of East Toronto to the treasurer of the County of York, on the 14th day of June, A. D. 1895 for the years 1888 to 1893, inclusive are hereby declared to be legal, valid and binding upon all parties *but to the same* extent and effect *only* as if made on the days and times required by section 145 of *The Consolidated Assessment Act, 1892.*

55 V. c. 48.

Village authorized to sell land for taxes.
55 V. c. 48.

2. All powers conferred upon towns and cities by sections 121, 140, 143, 145, 152, 158, 161, 171 a, 173, 181, 182, 204, and 205 of *The Consolidated Assessment Act, 1892*, and all duties imposed by said sections upon the officers of such cities and towns and the mayors thereof shall hereafter be vested in and apply to the Village of East Toronto in the County of York and to the the reeve of said village and for the collection of arrears of taxes on lands therein and the sale of such lands for taxes, the said village shall be considered as a town, and wherever the word town occurs in any of the said sections it shall be held to apply to and include the said village and whenever the word mayor occurs in the said section it shall be held to apply to the reeve of the said village for the time being.

County treasurer to sell lands already returned.

3. The sale of all lands in respect of which returns have already been made by the treasurer of the said Village of East Toronto to the treasurer of the County of York, shall be carried on and completed by the said treasurer of the County of York.

55 V. c. 48 Schedule K incorporated herewith.

4. Schedule K to *The Consolidated Assessment Act, 1892*, as the same is amended by section 12 of *The Assessment Amendment Act, 1896*, with such changes as may be necessary to make it applicable hereto shall be incorporated herewith and form part of this Act.

No. 20.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Village of East Toronto.

First Reading, 25th February, 1897.

(*Re-Printed as amended by Private Bills Committee.*)

Mr. RICHARDSON.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 21.] BILL. [1897.

An Act respecting the Village of Huntsville.

Preamble. WHEREAS, By-law No. 129 of the Municipality of Huntsville to provide for the issue of debentures to the amount of $20,000 for the construction of Water Works, and By-law No. 130 of the same municipality to provide for the issue of debentures to the amount of $5,000, for the construction of an Electric Lighting Plant, were duly passed by the said municipality and assented to by the ratepayers of the said municipality, but by inadvertence, both by-laws were brought into force before the beginning of the period for which the debentures are to run according to the terms of the said by-laws; and whereas objections have been made to the debentures on that account; and whereas the Corporation of the said municipality have by their petition prayed that an Act may be passed validating and confirming the said by-laws and debentures; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws Nos. 129 and 130 confirmed. 1. By-law No. 129 of the Municipality of the Village of Huntsville being a by-law to provide for the issue of debentures to the amount of $20,000 for the construction of Water Works in the Village of Huntsville, and By-law No. 130 of the said municipality being a by-law to provide for the issue of debentures to the amount of $5,000 for the construction of an Electric Lighting Plant in the Village of Huntsville and all debentures issued or to be issued thereunder and the coupons thereto attached and all assessments made or to be made, for

the payment thereof, are hereby validated and confirmed and shall be binding upon the Corporation of the said Village of Huntsville notwithstanding any insufficiency in form or otherwise of the said by-laws or debentures, and notwithstanding any want of authority of the said Corporation in respect thereof.

SCHEDULE A.

ELECTRIC LIGHT BY-LAW.

By-law No. 130.

To provide for the issue of Debentures to the amount of $5,000 for the construction of an Electric Lighting Plant in the Village of Huntsville.

Whereas it has become necessary to construct a complete system of electric lighting plant and erect all necessary buildings, machinery and appliances connected therewith in the village of Huntsville; and whereas the total estimated cost of the electric lighting plant with the necessary buildings, machinery and appliances connected therewith is $5,000; and whereas it is necessary to raise by way of loan on the credit of said village of Huntsville the sum of $5,000 to establish the said electric lighting plant with the necessary buildings, machinery and appliances therefor and the cost of negotiating the debentures to be issued for the said sum; and whereas the sum of $5,000 is the debt to be created by this by-law; and whereas the amount of the whole ratable property of the municipality of Huntsville, according to the last revised assessment roll, is $218,954; and whereas the amount of the existing debenture debt of the village of Huntsville is $6,166.70, and no part of the principal and interest thereof is in arrear; and whereas to pay the said sum of $5,000 with interest thereon, it will require to be raised annually for a period of twenty years the currency of the debentures to be issued therefor under and by virtue of this by-law the sum of $401.21 to pay the principal and interest of the said debentures as hereinafter set forth; and whereas it is necessary that such annual sum of $401.21 shall be raised and levied each year during the said period of twenty years by a special rate sufficient therefor on all the rateable property in the municipality of the village of Huntsville. Therefore the municipal corporation of the village of Huntsville enacts as follows:—

The construction and establishment of a complete system of electric lighting plant together with all the necessary buildings, machinery and appliances connected therewith for the said village of Huntsville is hereby authorized.

2. It shall be lawful for the Reeve of the village of Huntsville to cause any number of debentures to be made for such sums of money as may be required for the purpose aforesaid, either in sterling money or in lawful money of Canada, or any part of them in sterling money or in lawful money of Canada, or any part of them in sterling money and the remainder in lawful money of Canada payable in gold coin, for not less than one hundred dollars currency, or twenty pounds sterling each and not exceeding in the whole the said sum of $5,000, and the said debentures shall be sealed with the seal of the said corporation and be signed by the Reeve and Treasurer.

3. The said debentures shall be made payable in proportionate annual instalments based on the sums set opposite each year in the principal column of the schedule hereunder and extending over a period of twenty years payable in Canada, Great Britain, or elsewhere, and shall have attached to them coupons for the payment of interest.

4. The said debentures shall bear interest at the rate of five per cent. per annum from the date thereof, which interest shall be payable yearly on the first day of the month of December in each year of the place where such debentures are made payable.

5. During the currency of the said debentures and for the purpose of paying the principal and interest on the said debentures, there shall be levied a special rate on the dollar upon all the assessed value of all the rateable property in the municipality of Huntsville, over and above all other rates and taxes sufficient to produce in each year during the said twenty years the sum of $401.21, which sum shall be divided annually between and paid out for principal and interest on said debentures during the currency thereof in the manner hereinafter set out, that is to say :

SCHEDULE ELECTRIC LIGHT PLANT DEBENTURES $5,000—5 PER CENT.

	Year.	Interest.	Principal.	Total.
1	1897	250 00	151 21	401 21
2	1898	242 44	158 77	401 21
3	1899	234 50	166 71	401 21
4	1900	226 16	175 05	401 21
5	1901	217 41	183 80	401 21
6	1902	208 22	192 99	401 21
7	1903	198 57	202 64	401 21
8	1904	188 44	212 77	401 21
9	1905	177 80	223 41	401 21
10	1906	166 63	234 58	401 21
11	1907	154 90	246 31	401 21
12	1908	142 59	258 62	401 21
13	1909	129 67	271 54	401 21
14	1910	116 09	285 12	401 21
15	1911	101 83	299 38	401 21
16	1912	86 86	314 35	401 21
17	1913	71 11	330 10	401 21
18	1914	54 61	346 60	401 21
19	1915	37 28	363 93	401 21
20	1916	19 09	382 12	401 21

6. The said Reeve may cause the said debentures, or a sufficient amount thereof, to be sold or hypothecated and the proceeds thereof applied for the purposes above specified and for no other purpose.

7. The debentures to be raised hereunder shall contain a provision in the following words—"This debenture or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of this municipal corporation be transferable, except by entry by the Treasurer, or his deputy, in the debenture Registry Book of the said corporation of the village of Huntsville," or to the like effect.

8. This by-law to take effect on, from and after the passing thereof.

9. And it is further enacted by the said municipal corporation of the village of Huntsville that the votes of the electors of the said village duly qualified to vote upon the present by-law shall be taken on Monday, the 17th day of August, 1896, and for that purpose the poll shall be opened according to law in the Town Hall of the said village of Huntsville at 9 o'clock in the forenoon and kept open until 5 o'clock in the afternoon, and that William Rumsey be and is hereby appointed to act as returning officer at such poll, and that the present by-law be published in the *Forester* for the period required by law.

10. That on Thursday the 13th day of August, 1896, at his office in the Town Hall, Huntsville, at 11 o'clock in the forenoon the Reeve shall appoint in writing, signed by him, two persons to attend to the final summing up of the votes by the clerk, and one person to attend at the polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and one person on behalf of the person interested in and desirous of opposing the passing of this by-law.

11. That the clerk of the said municipal corporation shall attend at the Town Hall in Huntsville, at the hour of 12 o'clock, noon, on Wednesday, the 19th day of August, 1896, to sum up the number of votes given for and against this by-law.

SCHEDULE B.

Waterworks By-Law.

By-law No. 129.

To provide for the issue of debentures to the amount of $20,000 for the construction of waterworks in the village of Huntsville.

Whereas it has become necessary to construct a complete system of waterworks together with the buildings, materials, machinery and appurtenances thereto belonging to the village of Huntsville; and whereas the total estimated cost of the said waterworks with all buildings, materials, machinery and appurtenances thereto belonging is $20,000; and whereas it is necessary to raise by way of loan on the credit of the said village of Huntsville the sum of $20,000 to construct the said waterworks with all buildings, materials, machinery appurtenances thereto belonging and the cost of negotiating the debentures to be issued for the said sum; and whereas the sum of $20,000 is the debt intended to be created by this by-law; and whereas the amount of the whole ratable property of the municipality of Huntsville according to the last revised roll is $218,954; and whereas the amount of the existing debenture debt of the village of Huntsville is $6,166.70 and no part of the principal or interest thereof is in arrear; and whereas to pay the said sum of $20,000 with interest thereon, it will require to be raised annually for a period of 30 years the currency of the debentures to be issued therefor under and by virtue of this by-law the sum of $1,301.06 to pay the principal and interest of the said debentures as hereinafter set forth; and whereas it is necessary that such annual sum of $1,301.06 shall be raised and levied each year during the said period of 30 years by a special rate sufficient therefor on all the ratable property in the municipality of the village of Huntsville; therefore the municipal corporation of the village of Huntsville enacts as follows:

1. The construction of a complete system of waterworks, together with all buildings, materials, machinery and appurtenances thereto belonging for the said village of Huntsville is hereby authorized.

2. It shall be lawful for the Reeve of the village of Huntsville to cause any number of debentures to be made for such sums of money as may be required for the purposes aforesaid, either in sterling money or in lawful money of Canada or any part of them in sterling money and the remainder in lawful money of Canada payable in gold coin, for not less than one hundred dollars currency, or twenty pounds sterling each not exceeding in the whole the said sum of $20,000, and the said debentures shall be sealed with the seal of the said corporation and be signed by the reeve and the Treasurer.

3. The said debentures shall be made payable in proportionate annual instalment based on the sums set opposite each year in the principal column of the schedule hereunder and extended over a period of thirty years payable in Canada, Great Britain or elsewhere, and shall have attached to them coupons for the payment of interest.

4. The said debentures shall bear interest at the rate of five per cent. per annum from the date thereof which interest shall be payable yearly on the first day of the month of December in each year at the place where such debentures are made payable.

5. During the currency of said debentures and for the purpose of paying the principle and interest on the said debentures there shall be levied a special rate on the dollar upon all the assessed value of all the ratable property in the municipality of Huntsville over and above all other rates and taxes sufficient to produce in each year the said thirty years the sum of $1,301.06, which sum shall be divided annually between and paid out for principal and interest on said debentures during the currency thereof in the manner hereinafter set out, that is to say:

SCHEDULE WATERWORKS DEBENTURES $20,000.

	Year.	Interest.	Principal.	Total.
1	1897	$1000 00	$3 01 06	$1,301 06
2	1898	984 95	316 11	1,301 06
3	1899	969 14	331 92	1,301 06
4	1900	952 55	348 51	1,301 06
5	1901	935 13	365 93	1,301 06
6	1902	916 83	384 23	1,301 06
7	1903	897 63	403 43	1,301 06
8	1904	877 46	423 60	1,301 06
9	1905	856 28	444 78	1,301 06
10	1906	834 04	467 02	1,301 06
11	1907	810 70	490 36	1,301 06
12	1908	786 18	514 88	1,301 06
13	1909	760 44	540 62	1,304 06
14	1910	733 41	567 65	1.301 06
15	1911	705 03	596 03	1,301 06
16	1912	675 24	625 82	1,301 06
17	1913	643 95	657 11	1,301 06
18	1914	611 10	689 96	1,301 06
19	1915	576 61	724 45	1,301 06
20	1916	540 39	760 67	1,301 06
21	1917	502 36	798 70	1,301 06
22	1918	462 42	838 64	1,301 06
23	1919	420 49	880 57	1,301 06
24	1920	376 47	924 59	1,301 06
25	1921	330 24	970 82	1,301 06
26	1922	281 70	1,019 36	1,301 06
27	1923	230 74	1,070 32	1,301 06
28	1924	177 22	1,123 84	1,301 06
29	1925	121 03	1,180 03	1,301 06
30	1926	62 04	1,239 02	1,301 06

6. The said reeve may cause the said debentures or a sufficient amount thereof to be sold or hypothecated and the proceeds thereof applied for the purposes above specified and for no other purpose.

7. The debentures to be raised hereunder shall contain a provision in the following words:—"This debenture or any interest therein shall not after a certificate of ownership has been endorsed thereon by the treasurer

of this municipal corporation be transferable except by entry by the treasurer, or his deputy, in the debenture registry book of the said corporation of the village of Huntsville," or to the like effect.

8. This by-law to take effect on, from and after the passing thereof.

9. And it is further enacted by the municipal corporation of the village of Huntsville that the votes of the electors of the said village duly qualified to vote upon the present by-law shall be taken on Monday, the 17th day of August, 1896, and for that purpose the poll shall be open according to law in the Town Hall of the said village of Huntsville at 9 o'clock in the forenoon and kept open until 5 o'clock in the afternoon, and that William Rumsey be and is hereby appointed to act as returning officer at such poll, and that the present by-law be published in the *Forester* for the period required by law.

10. That on Thursday the 13th day of August, 1896, at his office in the Town Hall, Huntsville, at 11 o'clock in the forenoon, the reeve shall appoint in writing signed by him, two persons to attend at the final summoning up of the votes by the clerk, and one person to attend at the polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and one person on behalf of the persons interested in and desirous of opposing the passing of this by-law.

11. That the clerk of the said municipal corporation shall attend at the Town Hall in Huntsville at the hour of 12 o'clock, noon, on Wednesday, the 19th day of August, 1896, to sum up the number of votes given for and against this by-law.

No. 21.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Village of Huntsville

First Reading, 1897.

(Private Bill.)

Mr. STRATTON.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 22.] **BILL.** [1897.

An Act to authorize the issuing of Debentures by St. George's Cathedral Church, Kingston.

Preamble.

WHEREAS the vestry of St. George's Cathedral Church, in the City of Kingston, has by its petition represented that under and in pursuance of divers resolutions passed by the said vestry, debentures have from time to time been issued by the church wardens of the said church for the purpose of raising money to pay for the enlargement and improvement of the said church recently effected and for the payment of debts incurred in connection with the temporalities of the said church; and that there is now outstanding of such debentures the sum of $32,000 in the hands of different persons and that it is necessary to raise a further sum for the purpose of re-arranging the said debt and paying all obligations due by the said church and that at a special meeting of the said vestry held, after due notice, on the twenty-first day of December, 1896, it was resolved to apply for an Act authorizing the issuing of new debentures to an amount not exceeding $35,000 for the purpose of retiring the existing debentures and the said vestry has prayed that an Act may be passed for the purpose aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to issue debentures for $35,000.

1. It shall and may be lawful for the church wardens of the said church and their successors as such to execute and issue debentures, not exceeding at any one time in the whole the sum of $35,000 in such sums not less than one hundred dollars each, at such rate of interest and redeemable at such

times and places as they may determine, and from time to time to renew the same or issue new debentures in their place or stead.

Power to call in outstanding debentures.

2. The said church wardens shall and may from time to time, with the consent of the holders, call in any of the outstanding debentures and liabilities and discharge the same with the funds raised by the issue of debentures authorized to be issued under this Act, or may substitute therefor the said debentures, or any of them, authorized as aforesaid, under this Act, as may be agreed upon between the said church wardens and the holders of such outstanding debentures and liabilities, or other the creditors of the said vestry and church.

Application proceeds of new issue.

3. The funds to be raised by the issue of debentures authorized as aforesaid, shall be applied to the redemption and payment of the said outstanding debentures and other liabilities and to defray the cost of completing and improving the said church, and to carry out the instructions of the said vestry.

Rights of debenture holders

4. The debentures so issued as aforesaid, shall, without registration or formal conveyance, be taken and considered to be charges upon the said church, and the lands therewith used, and other the property of the said vestry; and the holder of any of the said debentures shall be deemed to be a mortgagee and incumbrancer *pro rata* with the other holders thereof upon the said church and property.

Mortgage to trustees to secure debentures.

5. The said church wardens and the rector for the time being of the said church are hereby authorized, with the consent of the said vestry, to convey the said church and the lands connected therewith or any part therof, which are described in Schedule "A" to this Act, in fee simple to two trustees in trust to secure the due payment of the said debentures rateably and without preference or priority and by the said mortgage to give all usual and proper remedies to enforce payment of the said debt and the said mortgage shall be in the form set forth in Schedule "B" to this Act, and a conveyance executed by the said rector and church wardens shall pass the title to the said lands without any further formality and without the consent or concurrence of the incorporated synod of the diocese of Ontario or any committee thereof or of any other person or body corporate notwithstanding the provisions of any Act of Parliament heretofore passed requiring such consent or concurrence; provided that any mortgage now existing on the said church and lands shall be preserved in full force and effect until the conditions thereof shall have been fully performed and satisfied.

Interest to be a first charge on revenue of church.

6. The interest of the said debentures shall be the first charge upon the whole revenue of the said church, and the vestry thereof ordinary and extraordinary; and it shall be

the duty of the church wardens in each year, out of the said revenues to pay the whole interest falling due in each year; and the vestry of the said church shall until the said debt shall be fully paid levy annually by way of pew rent a sum sufficient to pay the interest on the outstanding debentures.

Lenders not bound to see to application of money advanced.

7. No person advancing money on or before the purchase of the debentures authorized by this Act to be issued, shall be in any way bound to see to the application of the money so advanced.

Priority of holders of former issues protected.

8. Nothing in this Act contained shall prejudice or affect any legal or equitable right of priority which the holders of debentures, issued at the time of the passing of this Act may have or possess.

Incorporation of church wardens.

9. The said church wardens and their successors, as such, shall be and they are hereby constituted a body politic and corporate, by the name of "The Church Wardens of St. George's Cathedral, Kingston," and shall have all the rights and powers vested in corporations generally by *The Interpretation Act*, but neither the said church wardens nor their successors shall be personally liable upon or in respect of the said debentures.

R. S. O. c. 1.

Execution of instruments by church wardens.

10. The signatures of the said church wardens shall without seal be a sufficient execution by them in their corporate capacity of any debenture or other instrument to be executed.

No. 22.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to authorize the issuing of Debentures by St. George's Cathedral Church, Kingston.

First Reading, 1897.

(Private Bill.)

Mr. HARTY.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queens's Most Excellent Majesty.

No. 22.] **BILL.** [1897.

An Act to authorize the issuing of Debentures by St. George's Cathedral Church, Kingston.

Preamble.

WHEREAS the vestry of St. George's Cathedral Church, in the City of Kingston, has by its petitition represented that under and in pursuance of divers resolutions passed by the said vestry, debentures have from time to time been issued by the church wardens of the said church for the purpose of raising money to pay for the enlargement and improvement of the said church recently effected and for the payment of debts incurred in connection with the temporalities of the said church ; and that there is now outstanding of such debentures the sum of $32,000 in the hands of different persons and that it is necessary to raise a further sum for the purpose of re-arranging the said debt and paying all obligations due by the said church and that at a special meeting of the said vestry held, after due notice, on the twenty-first day of December, 1896, it was resolved to apply for an Act authorizing the issuing of new debentures to an amount not exceeding $35,000 for the purpose of retiring the existing debentures and the said vestry has prayed that an Act may be passed for the purpose aforesaid ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Power to issue debentures for $35,000.

1. It shall and may be lawful for the church wardens of the said church and their successors as such to execute and issue debentures, not exceeding at any one time in the whole the sum of $35,000 in such sums not less than one hundred dollars each, at such rate of interest and redeemable at such

times and places as they may determine, and from time to time to renew the same or issue new debentures in their place or stead.

Power to call in outstanding debentures.

2. The said church wardens shall and may from time to time, with the consent of the holders, call in any of the outstanding debentures and liabilities and discharge the same with the funds raised by the issue of debentures authorized to be issued under this Act, or may substitute therefor the said debentures, or any of them, authorized as aforesaid, under this Act, as may be agreed upon between the said church wardens and the holders of such outstanding debentures and liabilities, or other the creditors of the said vestry and church.

Application proceeds of new issue.

3. The funds to be raised by the issue of debentures authorized as aforesaid, shall be applied to the redemption and payment of the said outstanding debentures and other liabilities and to defray the cost of completing and improving the said church, and to carry out the instructions of the said vestry.

Rights of debenture holders

4. The debentures so issued as aforesaid, shall, without registration or formal conveyance, be taken and considered to be charges upon the said church, and the lands therewith used, and other the property of the said vestry; and the holder of any of the said debentures shall be deemed to be a mortgagee and incumbrancer *pro rata* with the other holders thereof upon the said church and property.

Mortgage to trustees to secure debentures.

5. The said church wardens and the rector for the time being of the said church are hereby authorized, with the consent of the said vestry, to convey the said church and the lands connected therewith or any part thereof in fee simple to two trustees or to *The Trusts Corporation of Ontario* in trust to secure the due payment of the said debentures rateably and without preference or priority and by the said mortgage to give all usual and proper remedies to enforce payment of the said debt and the said mortgage *may* be in the form set forth in Schedule "*A*" to this Act, and a conveyance executed by the said rector and church wardens shall pass the title to the said lands without any further formality and without the consent or concurrence of the incorporated synod of the diocese of Ontario or any committee thereof or of any other person or body corporate notwithstanding the provisions of any Act of Parliament heretofore passed requiring such consent or concurrence; provided that any mortgage now existing on the said church and lands shall be preserved in full force and effect until the conditions thereof shall have been fully performed and satisfied.

Interest to be a first charge on revenue of church.

6. The interest of the said debentures shall be the first charge upon the whole revenue of the said church, and the vestry thereof ordinary and extraordinary; and it shall be

the duty of the church wardens in each year, out of the said revenues to pay the whole interest falling due in each year; and the vestry of the said church shall until the said debt shall be fully paid levy annually by way of pew rent a sum sufficient to pay the interest on the outstanding debentures.

Lenders not bound to see to application of money advanced.

7. No person advancing money on or before the purchase of the debentures authorized by this Act to be issued, shall be in any way bound to see to the application of the money so advanced.

Priority of holders of former issues protected.

8. Nothing in this Act contained shall prejudice or affect any legal or equitable right of priority which the holders of debentures, issued at the time of the passing of this Act may have or possess.

Incorporation of church wardens.

9. The said church wardens and their successors, as such, shall be and they are hereby constituted a body politic and corporate, by the name of "The Church Wardens of St. George's Cathedral, Kingston," and shall have all the rights and powers vested in corporations generally by *The Interpretation Act*, but neither the said church wardens nor their successors shall be personally liable upon or in respect of the said debentures.

R. S. O. c. 1.

SCHEDULE A.

(Section 5.)

☞ This indenture, made in duplicate the day of , in pursuance of *The Act respecting Short Forms of Mortgages*, between the rector, and , the churchwardens for the time being of Saint George's Church, in the city of Kingston, hereinafter called the "mortgagors," of the first part, and trustees, hereinafter called the "mortgagees," of the second part.

Witnesseth, that whereas under and in pursuance of the powers created by an Act of the Legislative Assembly of the Province of Ontario, passed in the year of Her Majesty's reign, chaptered , and entitled *An Act to authorize the issuing of Debentures by St. George's Cathedral Church in the City of Kingston*, the churchwardens of the said church have issued debentures and propose issuing further debentures to the amount of $35,000 in the whole.

And whereas, in pursuance of the provisions of section of the said Act, the vestry of the said church has duly authorized the said mortgagors, as the rector and churchwardens of the said church, to convey the said church and the lands connected therewith, being the property hereinafter particularly described, to the said mortgagees as trustees for the holders of the said debentures, and the said mortgagees have consented to accept such conveyance and to act as trustees in the premises.

Therefore, in consideration of the premises, the said mortgagors do grant and mortgage to the said mortgagees the said lands and premises, which are particularly described as follows:—

(Then follows description of property.)

Provided this mortgage to be void on payment of the said debentures at the maturity thereof and of the interest which shall from time to time fall due thereon and taxes.

It is expressly agreed by and between the parties hereto that this mortgage shall be held for the benefit of all the holders of the said debentures rateably and without preference or priority as between each other.

The said mortgagors covenant with the said mortgagees that they have the right to convey the said lands to the said mortgagees, and that in default the said mortgagees shall have quiet possession of the said lands free from all incumbrances.

And that the mortgagors will execute such further assurances of the said lands as may be requisite.

And that the mortgagors will insure the buildings on the said lands to the full amount to which they can be insured, not exceeding the mortgage debt.

Provided that the mortgagees, in default of payment for six months, may, upon three months notice, enter upon and lease or sell the said lands.

Provided that the mortgagees may distrain for arrears of interest.

Provided that until default of payment the mortgagors shall have quiet possession of the said lands.

It is understood and agreed between the parties hereto, and the said mortgagees stipulate as a condition of acting as trustees in the premises, that they shall not be obliged or required to take proceedings for the enforcement of the claims of any of the debenture holders except upon the written request of such debenture holder, and not then without full and satisfactory indemnity from said debenture holders against any costs or expenses which may be incurred by them in enforcing this security.

The provision of section 3 of chapter 110 of the Revised Statutes of Ontario, 1887, shall be regarded as incorporated into this conveyance for the purpose of appointing a new trustee, and the right of appointment shall in the first place be exercisable by the rector and churchwardens of the said church for the time being.

Witness the signatures of the said rector and churchwardens.

Signed, sealed and delivered }
in the presence of }

No. 22.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to authorize the issuing of Debentures by St. George's Cathedral Church, Kingston.

First Reading, 23rd February, 1897.

(Re-printed as amended by Private Bills Committee.)

Mr. HARTY.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queens's Most Excellent Majesty.

No. 23.] **BILL.** [1897.

An Act to amend and consolidate the Acts relating to the Kingston Hospital

Preamble.

WHEREAS the board of governors of the Kingston hospital has by its petition represented that it is expedient to amend and consolidate the laws relative to the incorporation of the said hospital and to make certain alterations in the qualifications of the governors of the said hospital; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

19-20 V. c 107, repealed

1. The Act passed by the Parliament of the Province of Canada in the session held in the 19th and 20th years of Her Majesty's reign, chaptered 107, and intituled: "An Act to amend and consolidate, as amended, the laws relative to the incorporation of the Kingston hospital," is hereby repealed; but the corporation created by the said Act is hereby continued, and all rights and obligations belonging to the said corporation or to which the same was subject are hereby continued in full force and effect.

Incorporation of Board of Governors.

2. From and after the passing of this Act, the mayor of the city of Kingston, the wardens of the county of Frontenac and of the county of Lennox and Addington, and of any other counties which shall contribute an annual grant of not less than two hundred and fifty dollars each, the judge of the said county of Frontenac, the judge of the said county of Lennox and Addington, the sheriff of the said county of Frontenac, one of the medical professors of Queen's College to be nominated annually by the senate thereof, the eleven life governors hitherto appointed by the Lieutenant-Gover-

nor in Council, and such persons as may be appointed by him as hereinafter provided to fill vacancies amongst said eleven life governors and all other persons who at the time of the passing of this Act are duly qualified governors of the Kingston hospital, or who may be hereafter qualified in manner hereinafter provided for and their successors shall be within the meaning of *The Interpretation Act* a body corporate by the name of "The Board of Governors of the Kingston hospital" in succession to the present corporation and as such shall in addition to the powers conferred by the said *Interpretation Act* on bodies corporate have power to hold the said hospital and the lands and property belonging thereto which are hereby vested in the said corporation hereby created, and to receive from Her Majesty and all persons whomsoever any property, real or personal, by devise, bequest, or gift for the purposes of the said hospital with full power to manage and dispose of the same as shall appear to them conducive to the best interests of the hospital.

Who to be members of Board.

3. The persons designated as aforesaid, and any persons who shall hereafter pay such sum as may from time to time be fixed by the Board of Governors, not exceeding the sum of two hundred and fifty dollars towards the support or endowment of the hospital, and shall continue to pay annually thereafter such sum as may be fixed by the said Board of Governors not to exceed the sum of ten dollars, on or before the first day of September in each year shall be, governors of the said hospital, and the governors holding office by virtue of such subscription shall continue to hold office so long as their annual subscription shall be regularly paid; Provided always that no subscription governor shall lose his seat at said Board for default in payment of his annual subscription until after a motion has been duly passed by the Board vacating his seat after three months' notice in writing given to such governor by registered letter duly posted to his last known address.

Proviso.

Vacancies on Board how filled.

4. If any one of the governors appointed by the Lieutenant-Governor in Council or hereafter so to be so appointed shall die, remove from the county of Frontenac, resign office, become incapable of acting from any cause, or omit to pay the annual fee hereinafter provided for, for a period of three months after notice in writing given to such governor by registered letter duly posted to his last known address, his office may be declared vacant on motion duly passed by said Board of Governors, and it shall be the duty of the Board of Governors to communicate such fact to the Lieutenant-Governor of this province, and the said Lieutenant-Governor in Council may fill such vacancy by the appointment of a new governor within three months after the communication to him of the fact of such vacancy; and if the said vacancy be not filled by the Lieutenant-Governor in Council within the period afore-

said, it shall be lawful for the Board of Governors, at their first regular meeting thereafter to elect by ballot, one governor to fill each such vacancy as aforesaid.

Annual subscription by appointed members of Board.

5. The said governors appointed, or to be appointed by the Lieutenant-Governor in Council shall pay such annual subscription as shall be from time to time fixed by the Board of Governors not to exceed ten dollars, on or before the first day of September in each year.

By-laws and rules of Board.

6. The said Board of Governors, may from time to time make by-laws and rules for the management and regulation of the said hospital and of the affairs and property thereof; provided always that such by-laws and rules shall be laid before the Lieutenant-Governor of this province, in council for his approval, within thirty days after the same shall have been made or adopted, and may be by him disallowed within one month after the same shall have been transmitted to him, and if no notification of approval or disapproval be received by the said Board within one month after the same shall have been so transmitted, then such by laws and rules shall be deemed to have been approved, and shall forthwith be in force.

Quorum.

7. Any five of the Board of Governors shall form a quorum for the transaction of business.

Annual general meeting.

8. The annual general meeting of the Board of Governors shall be held on the first Monday of November in each and every year, or if for any reason the meeting is not held on the said day it may be summoned by the chairman to meet on a subsequent day.

Chairman and vice-chairman

9. The Board of Governors shall at each annual general meeting, appoint a chairman and vice-chairman who shall hold office for the ensuing year and until their successors are appointed.

Appointment of officers.

10. The Board of Governors shall have power to appoint such officers for the proper management of the hospital as they shall consider necessary, and to remove any such officer at pleasure.

Investment of funds by Board.

11. It shall be the duty of the Board of Governors to invest all money which may at any time come into their hands for the use and support of the said hospital, which may not be required for current expenditure, and from time to time when required so to do by the Lieutenant-Governor of the province, to render an account in detail of all moneys received by them as governors of the said hospital, specifying the sources from which the same have arisen or been received and

the manner in which the same have been invested or expended, and all such particulars as may be necessary to show the state of the funds or endowment, if any, of the said hospital; and the said Board of Governors shall also lay an annual statement of the affairs of the hospital before the Legislature of the province within thirty days after the commencement of each session.

No. 23.

3rd Session, 8th Legislature, 60 Vic., 1897.

BILL.

An Act to amend and consolidate the Acts relating to the Kingston Hospital.

First Reading th , 1898.

(Private Bill.)

Mr. HARTY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 23.] BILL. [1897.

An Act to amend and consolidate the Acts relating to the Kingston Hospital.

Preamble. WHEREAS the board of governors of the Kingston hospital has by its petition represented that it is expedient to amend and consolidate the laws relative to the incorporation of the said hospital and to make certain alterations in the qualifications of the governors of the said hospital; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

19-20 V. c 107, repealed. **1**. The Act passed by the Parliament of the Province of Canada in the session held in the 19th and 20th years of Her Majesty's reign, chaptered 107, and intituled: "An Act to amend and consolidate, as amended, the laws relative to the incorporation of *the trustees of* the Kingston hospital," is hereby repealed; but the corporation created by the said Act is hereby continued, and all rights and obligations belonging to the said corporation or to which the same was subject are hereby continued in full force and effect.

Incorporation of Board of Governors. **2**. From and after the passing of this Act, the mayor of the city of Kingston, the wardens of the county of Frontenac and of the county of Lennox and Addington, and of any other counties which shall contribute an annual grant of not less than two hundred and fifty dollars each, the judge of the County Court of the said county of Frontenac, the judge of the County Court of the said county of Lennox and Addington, the sheriff of the said county of Frontenac, one of the medical professors of Queen's College to be nominated annually by the senate thereof, the eleven life governors hitherto appointed by the Lieutenant-Gover-

nor in Council, and such persons as may be appointed by him as hereinafter provided to fill vacancies amongst said eleven life governors and all other persons who at the time of the passing of this Act are duly qualified governors of the Kingston hospital, or who may be hereafter qualified in manner hereinafter provided for and their successors shall be within the meaning of *The Interpretation Act* a body corporate by the name of "The Board of Governors of the Kingston hospital" in succession to the present corporation and as such shall in addition to the powers conferred by the said *Interpretation Act* on bodies corporate have power to hold the said hospital and the lands and property belonging thereto which are hereby vested in the said corporation hereby created, and to receive from Her Majesty and all persons whomsoever any property, real or personal, by devise, bequest, or gift for the purposes of the said hospital with full power to manage and dispose of the same as shall appear to them conducive to the best interests of the hospital.

Who to be members of Board.

3. The persons designated as aforesaid, and any persons who shall hereafter pay such sum as may from time to time be fixed by the Board of Governors, not exceeding the sum of two hundred and fifty dollars towards the support or endowment of the hospital, and shall continue to pay annually thereafter such sum as may be fixed by the said Board of Governors not to exceed the sum of ten dollars, on or before the first day of September in each year shall be, governors of the said hospital, and the governors holding office by virtue of such subscription shall continue to hold office so long as their annual subscription shall be regularly paid; Provided always that no subscription governor shall lose his seat at said Board for default in payment of his annual subscription until after a motion has been duly passed by the Board vacating his seat after three months' notice in writing given to such governor by registered letter duly posted to his last known address.

Proviso.

Vacancies on Board how filled.

4. If any one of the governors appointed by the Lieutenant-Governor in Council or hereafter so to be appointed shall die, remove from the county of Frontenac, resign office, become incapable of acting from any cause, or omit to pay the annual fee hereinafter provided for, for a period of three months after notice in writing given to such governor by registered letter duly posted to his last known address, his office may be declared vacant on motion duly passed by said Board of Governors, and it shall be the duty of the Board of Governors to communicate such fact to the Lieutenant-Governor of this province, and the said Lieutenant-Governor in Council may fill such vacancy by the appointment of a new governor within three months after the communication to him of the fact of such vacancy; and if the said vacancy be not filled by the Lieutenant-Governor in Council within the period afore-

said, it shall be lawful for the Board of Governors, at their first regular meeting thereafter to elect by ballot, one governor to fill each such vacancy as aforesaid.

Annual subscription by appointed members of Board.

5. The said governors appointed, or to be appointed by the Lieutenant-Governor in Council shall pay such annual subscription as shall be from time to time fixed by the Board of Governors not to exceed ten dollars, on or before the first day of September in each year.

By-laws and rules of Board.

6. The said Board of Governors, may from time to time make by-laws and rules for the management and regulation of the said hospital and of the affairs and property thereof; provided always that such by-laws and rules shall be laid before the Lieutenant-Governor in Council for his approval, within thirty days after the same shall have been made or adopted, and may be by him disallowed within one month after the same shall have been transmitted to him, and if no notification of approval or disapproval be received by the said Board within one month after the same shall have been so transmitted, then such by laws and rules shall be deemed to have been approved, and shall forthwith ☞come into☜ force ☞and take effect.☜

Quorum.

7. Any five of the Board of Governors shall form a quorum for the transaction of business.

Annual general meeting.

8. The annual general meeting of the Board of Governors shall be held on the first Monday of November in each and every year, or if for any reason the meeting is not held on the said day it may be summoned by the chairman to meet on a subsequent day.

Chairman and vice-chairman

9. The Board of Governors shall at each annual general meeting, appoint a chairman and vice-chairman who shall hold office for the ensuing year and until their successors are appointed.

Appointment of officers.

10. The Board of Governors shall have power to appoint such officers for the proper management of the hospital as they shall consider necessary, and to remove any such officer at pleasure.

Investment of funds by Board.

11. It shall be the duty of the Board of Governors to invest all money which may at any time come into their hands for the use and support of the said hospital, which may not be required for current expenditure, and from time to time when required so to do by the Lieutenant-Governor of the province, to render an account in detail of all moneys received by them as governors of the said hospital, specifying the sources from which the same have arisen or been received and

the manner in which the same have been invested or expended, and all such particulars as may be necessary to show the state of the funds or endowment, if any, of the said hospital; and the said Board of Governors shall also lay an annual statement of the affairs of the hospital before the Legislature of the Province within thirty days after the commencement of each session.

No. 23.

3rd Session, 8th Legislature, 60 Vic., 1897.

BILL.

An Act to amend and consolidate the Acts relating to the Kingston Hospital.

First Reading, 25th February, 1898.

(Reprinted as amended by Private Bills Committee.)

Mr. HARTY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 24.] **BILL.** [1897.

An Act to incorporate The Seine River, Foley and Fort Frances Telegraph and Telephone Company of Ontario.

Preamble.

WHEREAS Rod. A. Demmé of Detroit in the State of Michigan, manufacturer; William Herbert Cawthra of Toronto in the Province of Ontario, barrister-at-law; F. S. Wiley of Port Arthur, miner; George Ross, of the City of Toronto, barrister-at-law, and John Drynan of Toronto, merchant, and others, have by their petition prayed to be incorporated under the name of "The Seine River, Foley and Fort Frances Telegraph and Telephone Company of Ontario," with the powers hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Rod. A. Demmé, William Herbert Cawthra, F. S. Wiley, George Ross, John Drynan and such other persons who may become shareholders in the corporation to be by this Act created shall be and they are hereby constituted and declared to be a corporation, body politic and corporate, by the name of "The Seine River, Foley and Fort Frances Telegraph and Telephone Company of Ontario," and the head office of the company shall be at the city of Toronto in the Province of Ontario, or at such other place in Ontario as may be hereafter determined upon by the directors of the company.

Location of telephone and telegraph lines.

2. The said company shall have power to establish, construct, purchase, lease, maintain, and work any line or lines of telegraph and telephone, or to maintain such line or lines for others, from and to Bonheur station, on the Canadian Pacific Railway, or from and to some other convenient point on the said railway in the district of Rainy River or in the district of Thunder Bay, in the Province of Ontario, from and to Sawbill Lake, Hawke Bay, Lake Harold, Sturgeon Falls, Mine

Centre, Foley and Fort Frances in the said Province of Ontario and such other convenient points along the route herein set out, by way of branch lines or otherwise as may be necessary; and to make connection with the line or lines of any other telegraph or telephone company in Ontario; and for the purposes of carrying out the objects of this Act, to borrow such sum or sums of money, not exceeding the amount of the authorized capital of the company, as the directors of the company shall deem necessary, and to issue bonds therefor which shall be a charge upon the lines, works and plant of the company, in such sums and at such rates of interest and payable at such times and places as the directors shall determine; and the said company shall have power to carry its lines over any portion of the said district herein set out, and along, upon or across any of the public roads, highways, streets, watercourses and such other places, or across or under any of the navigable waters thereof; provided that in cities, towns and incorporated villages, the company shall not erect any pole higher than forty feet above the surface of the street or road, nor affix any wire less than twenty-two feet above the surface of such street or road; and that, where the surface of such street or road shall have been dug up or otherwise disturbed for the purposes of erecting such poles and wires, such surface shall in all cases be restored to its former condition, as far as circumstances permit, by and at the expense of the company; and provided that where lines of telegraph or telephone are already constructed, no poles shall be erected by the company in any city, town or incorporated village along the same side of the street or road without the consent of the council or board having control or jurisdiction over the streets or roads of such city, town or incorporated village.

Borrowing powers.

Lines on highways, etc.

Proviso.

Proviso.

3. The company, its deputies, servants or agents, are duly authorized to and may enter upon the lands and premises of any person or persons, bodies corporate or otherwise whatsoever, in and adjacent to the district and locality or localities herein set out, and survey and take levels of same or any part thereof, and to set out and ascertain such parts thereof as they shall deem necessary and proper for making or maintaining the said telegraph and telephone lines and all such other works as they shall deem necessary for making, maintaining, improving and using the said lines, and to bore, dig, trench, take, remove or carry away and lay earth, rubbish, trees, gravel, stone or any other matters or things which may be got, dug or cut, on or out of the lands adjoining or convenient to the said district, for the purpose of making, repairing, improving, or extending the said telegraph and telephone lines or works incidental thereto, according to the purposes and intent of this Act; and to build, erect and set up in or upon such lands, station houses, observations, and other works, ways, roads and conveniences as and where the company shall deem necessary to the proper working of its telegraph and telephone; and also from time to time to alter,

Power to enter on lands and construct lines.

Works necessary to carry lines across non-navigable streams.

repair, divert, enlarge and extend the same, and to construct, erect and repair any bridges, arches and other such works upon or across any non-navigable rivers or streams for constructing, using, maintaining and repairing lines, and to do and make all such other matters and things which may be necessary and convenient for constructing, using, maintaining and repairing the said lines and other works, and wheresoever the said telegraph or telephone lines shall pass through any wood, the trees and undergrowth may be cut for a space of fifty feet on each side of said lines; provided that the company shall not cut down or mutilate any tree left standing or planted for shade or ornament, or any fruit tree, and shall do as little damage as is possible to do in the execution of the several powers herein granted, and shall make satisfaction whenever required to the owners, proprietors, or persons interested in the lands, tenements, hereditaments, watercourses, streams or rivers respectively which shall be removed, used, taken or prejudiced, and in case of dispute as to the amount of compensation, the same shall be settled by arbitration, as hereinafter provided for in section 4 of this Act.

Cutting trees and undergrowth.

Proviso.

Compensation to private owners.

4. The said company may enter upon any lands or places and survey, set-off and expropriate or take any such lands or parts thereof as may be necessary for the construction, maintaining and operating of such lines of telegraph or telephone, and in respect of the other works authorized by this Act, and in case of disagreement between the company and any owner or occupier of such lands, the company and such owner or occupier shall each choose an arbitrator, which two arbitrators shall choose a third, and the decision on the matter of any two of them in writing shall be final, and in case the agent of the company or the said owner or occupier neglects or refuses to choose an arbitrator after ten days' notice in writing from the other party, and upon proof of service of such notice, or in case of disagreement between two such arbitrators, duly chosen, in the choice of a third, then it shall be lawful for the Commissioner of Public Works for Ontario to nominate such arbitrator.

Taking lands, arbitration in case of disagreement as to compensation.

5 The company shall have the right to manufacture, purchase or lease the telegraphic machines, telephones, and other apparatus and instruments connected with the business of a telegraph or telephone company, and to maintain and operate, lease or acquire, sell or let any line or lines for the transmission of messages by telegraph or telephone in the Province of Ontario including the line or lines hereby authorized to become erected and to make connection with any line or lines for the purpose of the business of the company, and with power to manufacture, sell, and supply electric power for manufacturing electric light, and for all other purposes for which such power

Manufacture, purchase or lease of necessary appliances.

Production and sale of electric power.

can be made or used, and to acquire, maintain and operate a plant or plants for the purposes of the development of electricity for any purpose whatsoever.

Capital stock.

6. The capital stock of the company shall be one hundred thousand dollars and shall be divided into one hundred thousand shares of one dollar each, and such capital may be increased at any time by the resolution of the directors by and with the consent of the majority of the shareholders but such capital shall in no case exceed the sum of five hundred thousand dollars.

Provisional directors.

First general meeting.

7. The persons named in the first section of this Act shall be the provisional directors of the company, and shall have power and authority to open stock-books, to procure subscriptions for the undertaking, to make calls on subscriptions, and to cause surveys and estimates to be made; and the provisional directors shall hold office until after the first general meeting of shareholders of the company after the passing of this Act, which meeting shall be held as soon as ten per cent. of the capital stock of the company has been subscribed and ten per cent. thereof paid into a chartered bank in the city of Toronto for the purposes of this company; and notice of the first meeting shall be given to each shareholder by mail at least ten days previous to holding same, and by one insertion in some newspaper published in the city of Toronto for ten days previous thereto, and at the said meeting and all subsequent meetings of shareholders each share on which no call at the time of meeting shall be unpaid shall entitle the holder to one vote, which vote may be given in person or by proxy, but no person other than a shareholder shall hold a proxy; and every subscriber to or holder of the stock of the said company shall thereby become a member of the said company, and shall have the same rights and privileges with other members thereof.

Subscriptions not binding until approved by directors.

8. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Special general meetings.

9. Special general meetings of the shareholders of the company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the company and upon such notice as is provided in the last preceding section.

Rights of aliens as shareholders.

10. Aliens and companies, incorporated abroad, as well as British subjects and corporations, may be shareholders, in the said company and all such shareholders whether resident in

this Province or elsewhere shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.

Board of directors.

11. The business of the company shall be managed by a board of not less than five nor more than ten directors, and each such director shall be a proprietor of at least one thousand shares in the stock of the company; and the directors shall be elected at a general meeting of shareholders to be held annually for that purpose and for such other business as it is competent for the shareholders to deal with; and ten days' notice of such meeting shall be given in one or more of the newspapers published in Toronto. All the directors of the company shall be eligible for re-election.

Limited liability of shareholders.

12. No shareholder shall be liable beyond the amount unpaid on the stock subscribed by him, for any debt contracted by the company, unless he shall have made himself personally liable therefor.

President and vice president.

13. The directors shall appoint one of their members to act as president and another to act as vice-president, and may appoint such other officers as may be necessary; and may remove all such officers appointed by them and appoint others in their places, and may fill all vacancies in their offices; three of the directors shall form a quorum and all questions shall be decided by a majority of the votes of directors present and in case of a tie, the chairman shall have the casting vote in addition to his vote as a director.

Quorum of directors.

Filling vacancies in board of directors

14. Whenever any of the directors die or resign, the remaining directors may, at their first meeting thereafter, supply such vacancy or vacancies by a resolution appointing a director or directors instead of the director or directors who have died or resigned.

By-laws and regulations of directors.

15. The directors may, from time to time, make, alter or repeal such regulations and by-laws respecting the issue and transfer of shares and for the management of the affairs of the company generally, as may be necessary; but every such by-law, or alteration or repeal thereof, shall have force only until confirmed at the next general meeting of shareholders, and in default of confirmation thereat shall then cease to have force.

Receiving subscriptions for stock.

16. The directors of the company may cause to be opened or open stock books for subscriptions of parties desiring to become shareholders in the capital stock of the company when and where they see fit, and all parties so subscribing shall pay ten per centum on allotment and the directors may from time to time make calls on such shares payable in such sums and at such times and places as the directors shall see fit; but an interval of at least thirty days shall intervene between any one call

Calls.

and any other call, and no call shall exceed twenty-five per centum, and a call shall be deemed to have been made at the time when the resolution of the directors authorising such call was passed and any shareholder failing to pay any call due from him on or before the day appointed for such payment shall be liable to pay interest thereon at the rate of six per centum per annum from the day such payment was so due until the time of actual payment thereof, and the company may enforce the payment thereof with interest thereon by action in any competent court ; and a certificate under the company's seal purporting to be signed by an officer of the company, to the effect that the defendant is a shareholder, that such call or calls are unpaid and that such sum is due by such shareholder, shall be received as against the defendant in all courts as *prima facie* evidence to that effect; or the directors may, in their discretion, declare such shares forfeited, and such shares shall then become the property of the company and may be so disposed of as the by-laws of the company ordain, but the shareholder so in default shall continue liable to the then creditors of the company up to the amount of his unpaid shares, notwithstanding the forfeiture of such shares, less any sums which may have been subsequently realized by the company in respect thereof.

Enforcing payment of calls.

Forfeiture of stock for non-payment.

Deducting amounts due for calls from dividends.

17. The directors may deduct from the dividends payable to any shareholder all such sums of money as may be due from him to the company on account of calls or otherwise.

Stock to be personal estate.

18. All shares in the capital stock of the company, and all profits thereof, shall be held to be personal estate and shall be transferable as such ; but no transfer shall be valid unless all calls then due are fully paid up and the transfer made and entered in a book to be kept for that purpose.

Directors may refuse to register transfer of shares in arrear.

19. The directors may deline to register any transfer of shares belonging to any shareholder who is indebted to the Company.

Purchasing stock in mining corporations.

20. The company shall have full power and right to invest a part or parts of its funds, at no time exceeding twenty-five per centum thereof, in the purchase of stock in any mining corporation or in the purchase and development of any mining location or the operation of a mine.

Setting up posts on highways, etc.

21. The company shall have full power to set up posts, make all necessary excavations for same, and do all other necessary acts for the purposes of supporting the wires of the telegraph and telephone, in or upon any streets and highways, and such poles and wires and other apparatus connected therewith, shall be the property of the company ; but the

company shall so use the power here conferred so as not to interfere with the free use of such streets and highways by the public.

Transmitting despatches—rates.

22. The company shall transmit all despatches in the order in which they are received, and the company shall have power to charge for the transmitting of such despatches by telegraph or for the use of the telephones of the company, and to collect, and receive, such rates of payment as the directors shall from time to time see fit, and the contents of such messages so dispatched shall not be divulged to the company, provided always that any message relating to the administration of justice, arrest of criminals, prevention or discovery of crime and Government despatches shall be transmitted in preference to any other message or messages, if required by any person connected with the administration of justice or authorized by the Secretary of State for Canada or by the Secretary of the Province of Ontario.

Proviso.

Divulging contents of private despatch.

23. Any operator or person employed by the company who shall divulge the contents of a private despatch shall be deemed guilty of a misdemeanor and on conviction shall be liable to a fine not exceeding $100 or to imprisonment for not more than three months, or both, in the discretion of the court before whom the conviction is tried.

Injury to property of company.

24. Any person who shall deliberately, wilfully or maliciously injure or destroy any of the posts, lines, piers, abutments, materials or property of the company or in any way obstruct or hinder the working of the said lines of telegraph or telephone, shall, on conviction thereof, be deemed guilty of a misdemeanor and shall be liable to punishment in the manner by law provided in such cases.

Aid to company.

25. The said company may receive from any Government or from any persons or bodies corporate municipal or politic who may have power to make or grant the same aid towards the construction, equipment or maintenance of a telegraph and telephone line by way of gift, bonus or loan of money or debentures, or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon.

Municipal aid to company.

26. Any municipality through which the company's lines of telegraph and telephone may pass or are situate is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds, or other purposes connected with the said company's business, and the company shall have power to accept gifts of land from any Government or any person or body coporrate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Application of capital.

27. The moneys so raised from the capital stock of the company shall be in the first place applied for the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making surveys, plans and estimates connected with the works hereby authorized.

Certain payments may be made in paid up stock or bonds.

28. The said directors or provisional directors may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or contractors, or for right of way, or material, or plant, and also subject to the sanction of a vote of the shareholders at any general meeting for the services of the promoters or other persons who may be employed by the directors or provisional directors for the purpose of assisting in the furtherance of the undertaking or purchase of the right of way or material or plant of the said company, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Contracts for construction or equipment of line.

29. The directors of the said company may enter into a contract or contracts with any individual or association or individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in the whole or in part, either in cash or bonds, or in paid up stock ; provided that no such contract shall be of any force or validity till approved of by a majority of the shareholders of the company present in person or by proxy at a meeting specially convened for considering the same.

Time for commencement and completion of work.

30. The company shall commence and proceed with the construction of the lines and work authorised hereby, within the period of two years from the passing of this Act.

Short title.

31. This Act shall be known and may be cited as " The Seine River, Foley and Fort Frances Telegraph and Telephone Company of Ontario Act."

Bill Lake, Hawke Bay, Lake Harold, Sturgeon Falls, Mine

No. 24.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to incorporate The Seine River, Foley and Fort Frances Telegraph and Telephone Company of Ontario.

First Reading, 1897.

(Private Bill.)

Mr. CHARLTON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

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An Act to incorporate The Seine River, Foley and Fort Frances Telegraph and Telephone Company of Ontario.

Preamble.

WHEREAS Rod. A. Demmé of Detroit in the State of Michigan, manufacturer; William Herbert Cawthra of Toronto in the Province of Ontario, barrister-at-law; F. S. Wiley of Port Arthur, miner; George Ross, of Toronto, barrister-at-law, and John Drynan of Toronto, merchant, and others, have by their petition prayed to be incorporated under the name of "The Seine River, Foley and Fort Frances Telegraph and Telephone Company of Ontario," with the powers hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Rod. A. Demmé, William Herbert Cawthra, F. S. Wiley, George Ross, John Drynan and such other persons as may become shareholders in the corporation to be by this Act created shall be and they are hereby constituted and declared to be a corporation, body politic and corporate, by the name of "The Seine River, Foley and Fort Frances Telegraph and Telephone Company of Ontario," and the head office of the company shall be at the city of Toronto in the Province of Ontario, or at such other place in Ontario as may be hereafter determined upon by the directors of the company.

Location of telephone and telegraph lines.

2. The said company shall have power to establish, construct, purchase, lease, maintain, and work any line or lines of telegraph and telephone, or to maintain such line or lines for others, from and to Bonheur station, on the Canadian Pacific Railway, or from and to some other convenient point on the said railway in the district of Rainy River or in the district of Thunder Bay, in the Province of Ontario, from and to Sawbill Lake, Hawke Bay, Lake Harold, Sturgeon Falls, Mine

Centre, Foley and Fort Frances in the said Province of Ontario and such other convenient points along the route herein set out, by way of branch lines or otherwise as may be necessary; and to make connection with the line or lines of any other telegraph or telephone company in Ontario.

Borrowing powers.

3. For the purposes of carrying out the objects of this Act, the said company shall have power to borrow such sum or sums of money, not exceeding the amount of the authorized capital of the company, as the directors of the company shall deem necessary, and to issue bonds therefor which shall be a charge upon the lines, works and plant of the company, in such sums and at such rates of interest and payable at such times and places as the directors shall determine; and the said company shall have power to carry its lines over any portion of the said district herein set out, and along, upon or across any of the public roads, highways, streets, watercourses and such other places, or across or under any of the navigable waters thereof; provided that in cities, towns and incorporated villages, the company shall not erect any pole higher than forty feet above the surface of the street or road, nor affix any wire less than twenty-two feet above the surface of such street or road; and that, where the surface of such street or road shall have been dug up or otherwise disturbed for the purposes of erecting such poles and wires, such surface shall in all cases be restored to its former condition, as far as circumstances permit, by and at the expense of the company; and provided that where lines of telegraph or telephone are already constructed, no poles shall be erected by the company in any city, town or incorporated village along the same side of the street or road without the consent of the council or board having control or jurisdiction over the streets or roads of such city, town or incorporated village.

Lines on highways, etc.

Proviso.

Proviso.

Power to enter on lands and construct lines.

4. The company, its deputies, servants or agents, are duly authorized to and may enter upon the lands and premises of any person or persons, bodies corporate or otherwise whatsoever, in and adjacent to the district and locality or localities herein set out, and survey and take levels of same or any part thereof, and to set out and ascertain such parts thereof as they shall deem necessary and proper for making or maintaining the said telegraph and telephone lines and all such other works as they shall deem necessary for making, maintaining, improving and using the said lines, and to bore, dig, trench, take, remove or carry away and lay earth, rubbish, trees, gravel, stone or any other matters or things which may be got, dug or cut, on or out of the lands adjoining or convenient to the said district, for the purpose of making, repairing, improving, or extending the said telegraph and telephone lines or works incidental thereto, according to the purposes and intent of this Act; and to build, erect and set up in or upon such lands, station houses, observations, and other works, ways, roads and conveniences as and where the

Works necessary to carry lines across non-navigable streams.

company shall deem necessary to the proper working of its telegraph and telephone; and also from time to time to alter, repair, divert, enlarge and extend the same, and to construct, erect and repair any bridges, arches and other such works upon or across any non-navigable rivers or streams for constructing, using, maintaining and repairing lines, and to do and make all such other matters and things which may be necessary and convenient for constructing, using, maintaining and repairing the said lines and other works, and wheresoever the said telegraph or telephone lines shall pass through any wood, the trees and undergrowth may be cut for a space of fifty feet on each side of said lines; provided that the company shall not cut down or mutilate any tree left standing or planted for shade or ornament, or any fruit tree, and shall do as little damage as is possible to do in the execution of the several powers herein granted, and shall make satisfaction whenever required to the owners, proprietors, or persons interested in the lands, tenements, hereditaments, watercourses, streams or rivers respectively which shall be removed, used, taken or prejudiced, and in case of dispute as to the amount of compensation, the same shall be settled by arbitration, as hereinafter provided for in section 4 of this Act.

Cutting trees and undergrowth.

Proviso.

Compensation to private owners.

5. The said company may enter upon any lands or places and survey, set-off and expropriate or take any such lands or parts thereof as may be necessary for the construction, maintaining and operating of such lines of telegraph or telephone, and in respect of the other works authorized by this Act, and in case of disagreement between the company and any owner or occupier of such lands, the company and such owner or occupier shall each choose an arbitrator, which two arbitrators shall choose a third, and the decision on the matter of any two of them in writing shall be final, and in case the agent of the company or the said owner or occupier neglects or refuses to choose an arbitrator after ten days' notice in writing from the other party, and upon proof of service of such notice, or in case of disagreement between two such arbitrators, duly chosen, in the choice of a third, then it shall be lawful for the Commissioner of Public Works for Ontario to nominate such arbitrator.

Taking lands, arbitration in case of disagreement as to compensation.

☞(2) The powers of expropriation and other compulsory powers conferred in and by this section and section 4 of this Act shall only be exercised by the said company in connection with the establishment of a line for telegraph purposes.☜

6. The company shall have the right to manufacture purchase or lease the telegraphic machines, telephones, and other apparatus and instruments connected with the business of a telegraph or telephone company, and to maintain and operate, lease or acquire, sell or let any line or lines for the transmission of messages by telegraph or telephone in the Province of Ontario

Manufacture, purchase or lease of necessary appliances.

including the line or lines hereby authorized to become erected and to make connection with any line or lines for the purpose of the business of the company, and with power to manufacture, sell, and supply electric power for manufacturing electric light, and for all other purposes for which such power can be made or used, and to acquire, maintain and operate a plant or plants for the purposes of the development of electricity for any purpose whatsoever.

Production and sale of electric power.

Capital stock.

7. The capital stock of the company shall be one hundred thousand dollars and shall be divided into one hundred thousand shares of one dollar each, and such capital may be increased at any time by the resolution of the directors by and with the consent of the majority of the shareholders but such capital shall in no case exceed the sum of five hundred thousand dollars.

Provisional directors.

First general meeting.

8. The persons named in the first section of this Act shall be the provisional directors of the company, and shall have power and authority to open stock-books, to procure subscriptions for the undertaking, to make calls on subscriptions, and to cause surveys and estimates to be made; and the provisional directors shall hold office until after the first general meeting of shareholders of the company after the passing of this Act, which meeting shall be held as soon as ten per cent. of the capital stock of the company has been subscribed and ten per cent. thereof paid into a chartered bank in the city of Toronto for the purposes of this company; and notice of the first meeting shall be given to each shareholder by mail at least ten days previous to holding same, and by one insertion in some newspaper published in the city of Toronto for ten days previous thereto, and at the said meeting and all subsequent meetings of shareholders each share on which no call at the time of meeting shall be unpaid shall entitle the holder to one vote, which vote may be given in person or by proxy, but no person other than a shareholder shall hold a proxy; and every subscriber to or holder of the stock of the said company shall thereby become a member of the said company, and shall have the same rights and privileges with other members thereof.

Subscriptions not binding until approved by directors.

9. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Special general meetings.

10. Special general meetings of the shareholders of the company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the company and upon such notice as is provided in the last preceding section.

11. Aliens and companies, incorporated abroad, as well as British subjects and corporations, may be shareholders, in the said company and all such shareholders whether resident in this Province or elsewhere shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company. Rights of aliens as shareholders.

12. The business of the company shall be managed by a board of not less than five nor more than ten directors, and each such director shall be a proprietor of at least one thousand shares in the stock of the company; and the directors shall be elected at a general meeting of shareholders to be held annually for that purpose and for such other business as it is competent for the shareholders to deal with; and ten days' notice of such meeting shall be given in one or more of the newspapers published in Toronto. All the directors of the company shall be eligible for re-election. Board of directors.

13. No shareholder shall be liable beyond the amount unpaid on the stock subscribed by him, for any debt contracted by the company, unless he shall have made himself personally liable therefor. Limited liability of shareholders.

14. The directors shall appoint one of their members to act as president and another to act as vice-president, and may appoint such other officers as may be necessary; and may remove all such officers appointed by them and appoint others in their places, and may fill all vacancies in their offices; three of the directors shall form a quorum and all questions shall be decided by a majority of the votes of directors present and in case of a tie, the chairman shall have the casting vote in addition to his vote as a director. President and vice president. Quorum of directors.

15. Whenever any of the directors die or resign, the remaining directors may, at their first meeting thereafter, supply such vacancy or vacancies by a resolution appointing a director or directors instead of the director or directors who have died or resigned. Filling vacancies in board of directors.

16. The directors may, from time to time, make, alter or repeal such regulations and by-laws respecting the issue and transfer of shares and for the management of the affairs of the company generally, as may be necessary; but every such by-law, or alteration or repeal thereof, shall have force only until confirmed at the next general meeting of shareholders, and in default of confirmation thereat shall then cease to have force. By-laws and regulations of directors.

17. The directors of the company may cause to be opened or open stock books for subscriptions of parties desiring to become shareholders in the capital stock of the company when and where they see fit, and all parties so subscribing shall pay Receiving subscriptions for stock.

Calls.

ten per centum on allotment and the directors may from time to time make calls on such shares payable in such sums and at such times and places as the directors shall see fit; but an interval of at least thirty days shall intervene between any one call and any other call, and no call shall exceed twenty-five per centum, and a call shall be deemed to have been made at the time when the resolution of the directors authorising such call was passed and any shareholder failing to pay any call due from him on or before the day appointed for such payment shall be liable to pay interest thereon at the rate of six per centum per annum from the day such payment was so due until the time of actual payment thereof, and the company may enforce the payment thereof with interest thereon by action in any competent court; and a certificate under the company's seal purporting to be signed by an officer of the company, to the effect that the defendant is a shareholder, that such call or calls are unpaid and that such sum is due by such shareholder, shall be received as against the defendant in all courts as *prima facie* evidence to that effect; or the directors may, in their discretion, declare such shares forfeited, and such shares shall then become the property of the company and may be so disposed of as the by-laws of the company ordain, but the shareholder so in default shall continue liable to the then creditors of the company up to the amount of his unpaid shares, notwithstanding the forfeiture of such shares, less any sums which may have been subsequently realized by the company in respect thereof.

Enforcing payment of calls.

Forfeiture of stock for non-payment.

Deducting amounts due for calls from dividends.

18. The directors may deduct from the dividends payable to any shareholder all such sums of money as may be due from him to the company on account of calls or otherwise.

Stock to be personal estate.

19. All shares in the capital stock of the company, and all profits thereof, shall be held to be personal estate and shall be transferable as such; but no transfer shall be valid unless all calls then due are fully paid up and the transfer made and entered in a book to be kept for that purpose.

Directors may refuse to register transfer of shares in arrear.

20. The directors may deline to register any transfer of shares belonging to any shareholder who is indebted to the Company.

Transmitting despatches—rates.

21. The company shall transmit all despatches in the order in which they are received, and the company shall have power to charge for the transmitting of such despatches by telegraph or for the use of the telephones of the company, and to collect, and receive, such rates of payment as the directors shall from time to time see fit, and the contents of such messages so dispatched shall not be divulged to the company, provided always that any message relating to the administration of justice, arrest of criminals, prevention or discovery of crime and Government despatches shall be trans-

Proviso.

mitted in preference to any other message or messages, if required by any person connected with the administration of justice or authorized by the Secretary of State for Canada or by the Secretary of the Province of Ontario.

☞**22**. Any operator or person employed by the company who shall divulge the contents of a private despatch, shall, upon summary conviction thereof, before a Stipendiary or Police Magistrate, or before any two or more Justices of the Peace, be liable to a fine of not less than $20 or more than $100, and costs, and in default of payment of such fine and costs, to imprisonment for any term not exceeding three calendar months.☜

☞**23**. Any person who shall deliberately, wilfully or maliciously injure or destroy any posts, piers, abutments, materials or property of the company, or in any way obstruct or hinder the working of the said lines of telegraph and telephone, shall, upon summary conviction thereof, before a Stipendiary or Police Magistrate, or before any two or more Justices of the Peace, be liable to a find of not less than $20 or more than $100, and costs, and in default of payment of such fine and costs, to imprisonment for any term not exceeding three calendar months.☜

Aid to company.

24. The said company may receive from any Government or from any persons or bodies corporate municipal or politic who may have power to make or grant the same aid towards the construction, equipment or maintenance of a telegraph and telephone line by way of gift, bonus or loan of money or debentures, or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon.

Municipal aid to company.

25. Any municipality through which the company's lines of telegraph and telephone may pass or are situate is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds, or other purposes connected with the said company's business, and the company shall have power to accept gifts of land from any Government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Application of capital.

26. The moneys so raised from the capital stock of the company shall be in the first place applied for the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making surveys, plans and estimates connected with the works hereby authorized.

Time for commencement and completion of work.

27. The company shall commence and proceed with the construction of the lines and work authorised hereby, within the period of two years from the passing of this Act.

Short title.

28. This Act shall be known and may be cited as "The Seine River, Foley and Fort Frances Telegraph and Telephone Company of Ontario Act."

No. 24.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to incorporate The Seine River, Foley and Fort Frances Telegraph and Telephone Company of Ontario.

First Reading, 1897.

(*Reprinted as amended by Private Bills Committee.*)

Mr. CHARLTON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 25.] BILL. [1897.

An Act respecting the Fort Erie Ferry Railway Company.

Preamble.

WHEREAS the Fort Erie Railway Company has by its petition prayed that an Act may be passed providing for certain amendments to the Act of the Legislature of the Province of Ontario, passed in the 50th year of Her Majesty's reign, chaptered 76, incorporating the said Company, as amended by the Act of the said Legislature, passed in the 58th year of Her Majesty's reign, chaptered 96, and for an extension of the powers conferred upon the Company thereby; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Company authorized to increase capital to $250,000.

1. The said the Fort Erie Ferry Railway Company is hereby authorized and empowered to increase its capital stock to an amount not exceeding two hundred and fifty thousand dollars.

Extensions of line to Chippawa and elsewhere.

2. The said Company is hereby authorized and empowered to extend, construct, maintain, complete and operate its railway and the extension pursuant to the powers contained in the said Act of incorporation as so amended and in this Act from its terminus in the Village of Fort Erie, in the County of Welland, to a point in or near the Village of Chippawa, in the said County of Welland, such extended line to run through the Villages of Fort Erie and Bridgeburg and the eastern portions of the Townships of Bertie and Willoughby, all in said County of Welland. Also a branch line from a point on their main line at or near Crystal Beach in said Township of Bertie to the Village of Ridgeway in the said Township.

Steam or electricity as motive power.

3. The said Company is hereby authorized and empowered to run and operate the trains and carriages on said line extension and branch either by steam or electric power.

User of streets in Fort Erie and Bridgeburg.

4. The said Company is hereby authorized and empowered to construct, maintain, complete and operate a street railway to be operated by electric or other motive power along, over and across the streets and highways within the limits of the municipal corporations of the said Villages of Fort Erie and Bridgeburg, and for that purpose to enter into all and every necessary agreement with the said corporations.

Bonding powers

5. The said Company is hereby authorized and empowered to issue its bonds to the amount of $16,000 per mile of its existing line and all extensions thereof.

58 V. c. 96, s. 2 amended.

6. Section 2 of the Act passed in the 58th year of Her Majesty's reign, chaptered 96, is hereby amended by striking out all the words after the word "Erie" in the eleventh line thereof.

58 V. c. 96, s. 7 amended.

7. Section 7 of the said Act is hereby amended by striking out the last two lines of said section.

Provisions of this Act not to affect powers heretofore conferred.

8. Nothing in this Act shall be deemed to take away any of the powers and privileges heretofore enjoyed by the said Company, and all the powers and privileges heretofore enjoyed by the said Company and all the powers conferred on said Company under their Act of incorporation and amendment thereof, save as amended by this Act, shall be considered a part of this Act and be made applicable to the said extension and branch.

No. 25.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Fort Erie Ferry Railway Company.

First Reading, 1897.

(Private Bill.)

Mr. GERMAN.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 25.] **BILL.** [1897.

An Act respecting the Fort Erie Ferry Railway Company.

Preamble.

WHEREAS the Fort Erie *Ferry* Railway Company has by its petition prayed that an Act may be passed providing for certain amendments to the Act of the Legislature of the Province of Ontario, passed in the 50th year of Her Majesty's reign, chaptered 76, incorporating the said Company, as amended by the Act of the said Legislature, passed in the 58th year of Her Majesty's reign, chaptered 96, and for an extension of the powers conferred upon the Company thereby; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Company authorized to increase capital to $250,000.

1. The said the Fort Erie Ferry Railway Company is hereby authorized and empowered to increase its capital stock to an amount not exceeding two hundred and fifty thousand dollars.

Extensions of line to Chippawa and elsewhere.

2. The said Company is hereby authorized and empowered to extend, construct, maintain, complete and operate its railway and the extension pursuant to the powers contained in the said Act of incorporation as so amended and in this Act from its terminus in the Village of Fort Erie, in the County of Welland, to a point in or near the Village of Chippawa, in the said County of Welland, such extended line to run through the Villages of Fort Erie and Bridgeburg and the eastern portions of the Townships of Bertie and Willoughby, all in said County of Welland. Also a branch line from a point on their main line at or near Crystal Beach in said Township of Bertie to the Village of Ridgeway in the said Township; ☞provided

that the powers hereby conferred so far as the same relate to the construction of a branch or extension of the said railway from the Village of Fort Erie to the Village of Chippawa shall not be exercised until the said company has obtained the approval of the Lieutenant-Governor in Council to the construction of such branch or extension; and provided that the railway to be constructed by the said company shall not cross the railway lines of The Grand Trunk Railway Company of Canada or of The Canada Southern Railway Company, running west from the International Bridge, on grade, but in such other manner and on such terms and conditions as may be directed by the Railway Committee of the Privy Council of Canada; and provided also that all the provisions of *The Electric Railway Act, 1895*, save in so far as the same are inconsistent with the provisions of this Act shall apply to the extension and branch hereby authorized if such extension is operated by electric power.

Bonding powers.

3. The said Company is hereby authorized and empowered to issue its bonds to the amount of $10,000 per mile of its existing line and all extensions thereof.

Time for commencing and completing extension.

4. The said extension and branch shall be commenced within two years and completed within five years after the passing of this Act.

5. Nothing in this Act shall be deemed to take away any of the powers and privileges heretofore enjoyed by the said company, and all the powers and privileges heretofore enjoyed by the said company are hereby made applicable to the said extension and branch save in so far as such powers or privileges are inconsistent with the provisions of *The Electric Railway Act, 1895*.

No. 25.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Fort Erie Ferry Railway Company.

First Reading, 4th March, 1897.

(Reprinted as amended by Railway Committee.)

Mr. GERMAN.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 26.] **BILL.** 1897.]

An Act to confirm an agreement between the Hamilton, Grimsby and Beamsville Electric Railway Company and the City of Hamilton.

WHEREAS the corporation of the City of Hamilton and the Hamilton, Grimsby and Beamsville Electric Railway Company have by their petitions represented that under by-laws 681 and 850 of the City of Hamilton debentures of the said corporation to the amount of $25,000, were delivered to said company as a bonus in aid of their railway, upon and subject to the terms of an agreement between the said company and the said city corporation, dated the 28th day of December, 1896, by which, amongst other things, it is provided that the amount of the said bonus shall be repaid to the said city corporation, with interest, in the event of the company, their successors or assigns failing or ceasing to operate the said railway in the manner set forth in the said agreement and that the amount thereof shall form a first lien or charge upon the said railway and upon all the franchises and property of the company, subject only to the prior lien or claim of the holders of the first mortgage bonds of the company for $100,000, and the said city corporation and the said company have prayed that an Act may be passed to confirm by-law number 850 of the city of Hamilton hereinbefore mentioned and the agreement made between the said company and the said city corporation in accordance therewith, and the lien granted or created upon the said railway under the terms of the said agreement; and whereas it is expedient to grant the prayer of the said petitions; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 850 of the city of Hamilton confirmed.

1. The by-law of the corporation of the City of Hamilton, passed on the 20th day of July, 1896, intituled "By-law No. 850, relating to the Hamilton, Grimsby and Beamsville Railway Company" and which by-law is set out in schedule A to this Act, is hereby confirmed and declared to be legal and valid, and the debentures issued thereunder are hereby declared to be valid and to be binding upon the corporation of the City of Hamilton.

Agreement between city and company of 28th December, 1896, confirmed.

2. The agreement made between the Hamilton, Grimsby and Beamsville Electric Railway Company and the corporation of the City of Hamilton, dated the 28th day of December, 1896, and set out in schedule B to this Act, is hereby declared to be valid and to be binding upon the parties thereto, their successors and assigns, and the lien or charge thereby granted or created or intended so to be upon the said railway and upon all the franchises and property of the said company, is hereby declared to be valid and to be binding upon the said company, their successors and assigns, subject only to the prior lien or claim of the holders of the first mortgage bonds of the company for $100,000, and to any other liens existing upon said railway at the date of said agreement.

SCHEDULE A.

(*Section 1.*)

BY-LAW No. 850, RELATING TO THE HAMILTON, GRIMSBY AND BEAMSVILLE RAILWAY COMPANY.

Whereas the Hamilton, Grimsby and Beamsville Railway Company are desirous of extending their line to Beamsville, but will be unable to do so unless they can use for that purpose the bonds remaining unsold of the issue of $100,000 of first mortgage bonds mentioned in the agreement between the corporation of this city and said company dated the twenty-third day of January, 1895.

And whereas the company have applied to the city for the privilege of using for such proposed extension of their line the twenty thousand dollars of first mortgage bonds of the company now deposited with the said city and substituting therefor an agreement by the company that if they, their successors or assigns, shall at any time fail or cease to operate the said railway with a daily frequent car service for passengers of not less than eight trains each way daily between the first day of May and the first day of November, and six trains each way daily between the first day of November and the first day of May, and daily cars for freight and express matter for the whole distance between Hamilton, Grimsby and Beamsville, the amount of the debentures which shall have been or shall be issued and delivered to the company, their successors or assigns, under or by virtue of the grant made by the said by-law No. 681, and this by-law to the company, shall be repaid to the city with interest, and that the amount thereof shall form a first lien or charge upon the Hamilton, Grimsby and Beamsville Electric Railway, and upon all the franchises and property of the company, subject only to the prior lien or claim of the holders of the said first mortgage bonds of the company for $100,000.

And whereas the council of the said city on the 30th day of September, 1895, passed a resolution that the Ontario Legislature be asked to extend the time for one year for the completion of the said electric railway to Beamsville in order that the company might earn the bonus of $5,000 granted under by-law No. 681 of this municipality, all costs in connection therewith to be paid by the company.

Therefore the council of the corporation of the City of Hamilton enacts as follows :—

1. When the railway of the said company shall have been completed to Grimsby Park and to Beamsville and is being operated as a through road from Beamsville to Hamilton with a daily frequent car service for passengers of not less than eight trains each way daily between the first day of May and first day of November and six trains each way daily between the first day of November and the first day of May and daily cars for freight and express matter for the whole distance between Hamilton Grimsby and Beamsville, the debentures for the remaining sum of five thousand dollars of the bonus granted by said by-law 681 shall be issued and delivered to the company, and the first mortgage bonds of the Hamilton, Grimsby and Beamsville Electric Railway Company for twenty thousand dollars, now held by the corporation, shall also be delivered to the company, and the claim of this corporation to a deposit of five thousand dollars more of said bonds shall be relinquished, the said company first entering into an agreement with this corporation, to the satisfaction of the city solicitor, that in the event of the company failing or ceasing to operate said railway with a daily frequent car service for passengers of not less than eight trains each way daily, between the first day of May and the first day of November, and six trains each way daily between the first day of November and the first day of May, and daily cars for freight and express matter for the whole distance between Hamilton, Grimsby and Beamsville, the amount of any debentures which shall have been or shall be issued and delivered to the company, their successors or assigns, under or by virtue of the grant made by said By-law 681 and this By-law to the Hamilton Grimsby and Beamsville Electric Railway Company, shall be repaid to the corporation of the City of Hamilton with interest, and that the amount thereof shall form a first lien and charge upon the Hamilton, Grimsby and Beamsville Electric Railway and upon all the franchises and property of the company, subject only to the prior lien or claim of the holders of the first mortgage bonds of the company for $100,000.

2. This By-law shall not take effect or become operative nor shall said debentures or first mortgage bonds be delivered to the company unless the said extension of the Hamilton, Grimsby and Beamsville Electric Railway to Grimsby Park and Beamsville shall have been completed and actively operated in manner hereinbefore described before the first day of November, 1896, nor until the company shall have completed their title to the lands extending from Prospect street to the side line between lots six and seven in the third concession of Barton in continuation of the line of Maple avenue to a width of not less than sixty-six feet and shall have entered into an agreement with this corporation to petition the Legislature of the Province of Ontario to confirm this By-law and the lien to be created upon the Hamilton, Grimsby and Beamsville Electric Railway under the terms thereof, and to pay all expenses of or connected with such legislation and the application therefor, such agreement to be approved by the city solicitor.

Passed the 20th day of July, A.D., 1896.

GEO. E. TUCKETT,
Mayor.

T. BEASLEY,
City Clerk.

SCHEDULE B.

(*Section 2.*)

Agreement made this twenty-eighth day of December one thousand eight hundred and ninety-six, between the Hamilton, Grimsby and Beamsville Electric Railway Company (hereinafter called the "Company") of the first part, and the Corporation of the City of Hamilton, (hereinafter called the "Corporation") of the second part.

Whereas by by-law number 850 of the said corporation it is provided that when the railway of the said company shall have been completed to Grimsby Park and to Beamsville and is being operated as a through road from Beamsville to Hamilton in the manner set forth in said by-law, the debentures for the remaining sum of five thousand dollars of the bonus granted by by-law number 681 of the corporation shall be issued and delivered to the company and the first mortgage bonds of the said company for twenty thousand dollars held by the corporation shall also be delivered to the company, and the claim of the corporation to the deposit of five thousand dollars more of said bonds shall be relinquished, the said company first entering into an agreement with the corporation to the satisfaction of the city solicitor that in the event of the company failing or ceasing to operate the said railway in the manner described in said by-law 850, the amount of any debentures which shall have been or shall be issued or delivered to the company, their successors or assigns, under or by virtue of the grant made by the said by-laws 681 and 850 to the said company, shall be repaid to the corporation of the City of Hamilton with interest and that the amount thereof shall form a first lien and charge upon the said railway and upon all the franchises and property of the company, subject only to the prior lien or claim of the holders of the first mortgage bonds of the company for one hundred thousand dollars.

And whereas it was also by said by-law, amongst other things, provided that said by-law 850 should not take effect or become operative, nor should said debentures or first mortgage bonds be delivered to the company until the said company should have entered into an agreement with the said corporation to petition the Legislature of the Province of Ontario to confirm the said by-law and the lien to be created upon the Hamilton, Grimsby and Beamsville Electric Railway by the terms thereof and to pay all expenses of or connected with such legislation and the application therefor, such agreement to be approved by the city solicitor.

And whereas, the said railway has been completed to Grimsby Park and to Beamsville, and is being operated in manner in said by-law provided and the said company has applied to the said corporation for the delivery to the company of the debentures for the remaining sum of five thousand dollars of the bonus granted by said by-law 681, and of the first mortgage bonds of the company for twenty thousand dollars now held by the corporation.

Now this Indenture witnesseth that the said company do hereby covenant and agree with the said city corporation that if the said company, their successors or assigns, shall at any time fail or cease to operate said railway with a daily frequent car service for passengers of not less than eight trains each way daily between the first day of May and the first day of November, and six trains each way daily between the first day of November and first day of May and daily cars for freight and express matter for the whole distance between Hamilton and Grimsby and Beamsville, the amount of the debentures for $25,000 which may be or may have been issued and delivered to the company, their successors or assigns, under or by virtue of the grant made by said by-laws 681 and 850 to the Hamilton, Grimsby and Beamsville Electric Railway Company shall be repaid to the corporation of the City of Hamilton with interest, and that the amount thereof shall form a first lien and charge upon the Hamilton, Grimsby and Beamsville Electric Railway and upon

all the franchises and property of the company, subject only to the prior lien or claim of the holders of the first mortgage bonds of the company for one hundred thousand dollars.

And the said Hamilton, Grimsby and Beamsville Electric Railway Company do hereby for themselves, their successors and assigns, grant and covenant to and with the corporation of the City of Hamilton, that the said corporation shall have a first lien and charge, subject only to the prior lien or claim of the holders of said first mortgage bonds, upon the Hamilton, Grimsby and Beamsville Electric Railway, and upon all the franchises and property of the company for the repayment of the amount of the said debentures and interest in case of the said company, their successors or assigns, failing or ceasing to operate said railway in the manner in the next preceding paragraph hereof set forth, and do hereby grant and mortgage unto the said corporation of the City of Hamilton, their successors and assigns, the said Hamilton, Grimsby and Beamsville Electric Railway and all the franchises and property of the said company as and for a security for the repayment to the said city corporation of the sum of twenty-five thousand dollars the amount of said debentures, and interest, in case of the said company, their successors or assigns, ceasing or failing to operate said railway in the manner hereinbefore mentioned, such mortgage or lien to be subject only to the prior lien or claim of the holders of the first mortgage bonds of the company for one hundred thousand dollars.

And the said company do hereby further covenant and agree with the said city corporation that the said company will petition the Legislature of the Province of Ontario to confirm the said by-law number 85) of the corporation of the City of Hamilton and the lien upon the Hamilton, Grimsby and Beamsville Electric Railway and all the franchises and property of the said company granted or created by this instrument or intended so to be as a security for the repayment to the corporation of the City of Hamilton in the event hereinbefore mentioned of the said sum of twenty-five thousand dollars and interest, and that the said company will pay all expenses of or connected with such legislation and the application therefor.

In witness whereof the said company have hereunto affixed their seal under the hand of the President and Secretary of the company, and the said corporation have hereunto affixed the City seal under the hand of the Mayor of said city.

Signed, sealed and delivered by the Company in presence of
F. R. WADDELL.

Hamilton, Grimsby & Beamsville Elec. R'y. Co.
THOS. W. LESTER,
President (Seal.)
ADAM RUTHERFORD,
Sec.-Treas.

And by the City Corporation in presence of
ARCH'D KAPPELE.

GEO. E. TUCKETT,
Mayor (Seal.)
T. BEASLEY,
City Clerk.

No. 26.

3rd Session, 8th Legislature, 60 Vict. 1897.

BILL.

An Act to confirm an agreement between the Hamilton, Grimsby and Beamsville Electric Railway Company and the City of Hamilton.

First Reading, 1897.

(Private Bill.)

Mr. MIDDLETON.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 26.] **BILL.** 1897.]

An Act to confirm an agreement between the Hamilton, Grimsby and Beamsville Electric Railway Company and the City of Hamilton.

Preamble.

WHEREAS the corporation of the City of Hamilton and the Hamilton, Grimsby and Beamsville Electric Railway Company have by their petitions represented that under by-laws 681 and 850 of the City of Hamilton debentures of the said corporation to the amount of $25,000, were delivered to said company as a bonus in aid of their railway, upon and subject to the terms of an agreement between the said company and the said city corporation, dated the 28th day of December, 1896, by which, amongst other things, it is provided that the amount of the said bonus shall be repaid to the said city corporation, with interest, in the event of the company, their successors or assigns failing or ceasing to operate the said railway in the manner set forth in the said agreement and that the amount thereof shall form a first lien or charge upon the said railway and upon all the franchises and property of the company, subject only to the prior lien or claim of the holders of the first mortgage bonds of the company for $100,000, and the said city corporation and the said company have prayed that an Act may be passed to confirm by-law number 850 of the city of Hamilton hereinbefore mentioned and the agreement made between the said company and the said city corporation in accordance therewith, and the lien granted or created upon the said railway under the terms of the said agreement; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 850 of the city of Hamilton confirmed.

1. The by-law of the corporation of the City of Hamilton, passed on the 20th day of July, 1896, intituled "By-law No.

850, relating to the Hamilton, Grimsby and Beamsville Railway Company" and which by-law is set out in schedule A to this Act, is hereby confirmed and declared to be legal and valid, and the debentures issued thereunder are hereby declared to be valid and to be binding upon the corporation of the City of Hamilton.

Agreement between city and company of 28th December, 1896, confirmed.

2. The agreement made between the Hamilton, Grimsby and Beamsville Electric Railway Company and the corporation of the City of Hamilton, dated the 28th day of December, 1896, and set out in schedule B to this Act, is hereby declared to be valid and to be binding upon the parties thereto, their successors and assigns, and the lien or charge thereby granted or created or intended so to be upon the said railway and upon all the franchises and property of the said company, is hereby declared to be valid and to be binding upon the said company, their successors and assigns, subject only to the prior lien or claim of the holders of the first mortgage bonds of the company for $100,000, and to any other liens existing upon said railway at the date of said agreement.

3. If the said company shall desire at any time to call in or pay off, either before or after maturity, the whole or any portion of the said first mortgage bonds of $100,000, which form a first lien or charge upon the Hamilton, Grimsby and Beamsville Electric Railway Company and upon all the franchises and property of the said company, and to issue other bonds for the sum of $100,000 or a less amount, the said company may issue its first mortgage bonds in lieu of the bonds so called in or paid off to such an amount that the whole outstanding first mortgage bonds shall not exceed $100,000, which shall form a first lien or charge upon the said railway and upon all the franchises and property of the said company, and the said lien or charge granted or created by the said agreement of the 28th day of December, 1896, shall be subject only to the lien or charge of the holders (or their trustees) of such first mortgage bonds of the said company for $100,000, and to any other liens existing upon the said railway or the franchises and property of the said company at the date of the said agreement of the 28th December, 1896.

4. It shall and may be lawful for the corporation of the City of Hamilton and the said company to enter into an agreement whereby the said company may open up a highway within the township of Barton leading to the limits of the said city, or whereby the right of way secured or to be secured by the said company (or a part thereof) may be used by the public as a highway, and to perform any such agreements and all agreements heretofore made between the said city corporation and the said company for allowing the use of any portion of the company's lands for a public highway are hereby declared to be legal and valid.

SCHEDULE A.

(*Section 1.*)

BY-LAW NO. 850, RELATING TO THE HAMILTON, GRIMSBY AND BEAMSVILLE RAILWAY COMPANY.

Whereas the Hamilton, Grimsby and Beamsville Railway Company are desirous of extending their line to Beamsville, but will be unable to do so unless they can use for that purpose the bonds remaining unsold of the issue of $100,000 of first mortgage bonds mentioned in the agreement between the corporation of this city and said company dated the twenty-third day of January, 1895.

And whereas the company have applied to the city for the privilege of using for such proposed extension of their line the twenty thousand dollars of first mortgage bonds of the company now deposited with the said city and substituting therefor an agreement by the company that if they, their successors or assigns, shall at any time fail or cease to operate the said railway with a daily frequent car service for passengers of not less than eight trains each way daily between the first day of May and the first day of November, and six trains each way daily between the first day of November and the first day of May, and daily cars for freight and express matter for the whole distance between Hamilton, Grimsby and Beamsville, the amount of the debentures which shall have been or shall be issued and delivered to the company, their successors or assigns, under or by virtue of the grant made by the said by-law No. 681, and this by-law to the company, shall be repaid to the city with interest, and that the amount thereof shall form a first lien or charge upon the Hamilton, Grimsby and Beamsville Electric Railway, and upon all the franchises and property of the company, subject only to the prior lien or claim of the holders of the said first mortgage bonds of the company for $100,000.

And whereas the council of the said city on the 30th day of September, 1895, passed a resolution that the Ontario Legislature be asked to extend the time for one year for the completion of the said electric railway to Beamsville in order that the company might earn the bonus of $5,000 granted under by-law No. 681 of this municipality, all costs in connection therewith to be paid by the company.

Therefore the council of the corporation of the City of Hamilton enacts as follows :—

1. When the railway of the said company shall have been completed to Grimsby Park and to Beamsville and is being operated as a through road from Beamsville to Hamilton with a daily frequent car service for passengers of not less than eight trains each way daily between the first day of May and first day of November and six trains each way daily between the first day of November and the first day of May and daily cars for freight and express matter for the whole distance between Hamilton, Grimsby and Beamsville, the debentures for the remaining sum of five thousand dollars of the bonus granted by said by-law 681 shall be issued and delivered to the company, and the first mortgage bonds of the Hamilton, Grimsby and Beamsville Electric Railway Company for twenty thousand dollars, now held by the corporation, shall also be delivered to the company, and the claim of this corporation to a deposit of five thousand dollars more of said bonds shall be relinquished, the said company first entering into an agreement with this corporation, to the satisfaction of the city solicitor, that in the event of the company failing or ceasing to operate said railway with a daily frequent car service for passengers of not less than eight trains each way daily, between the first day of May and the first day of November, and six trains each way daily between the first day of November and the first day of May, and daily cars for freight and express matter for the whole distance between Hamilton, Grimsby and Beamsville, the amount of any debentures which shall have been or

shall be issued and delivered to the company, their successors or assigns, under or by virtue of the grant made by said By-law 681 and this By-law to the Hamilton Grimsby and Beamsville Electric Railway Company, shall be repaid to the corporation of the City of Hamilton with interest, and that the amount thereof shall form a first lien and charge upon the Hamilton, Grimsby and Beamsville Electric Railway and upon all the franchises and property of the company, subject only to the prior lien or claim of the holders of the first mortgage bonds of the company for $100,000.

2. This By-law shall not take effect or become operative nor shall said debentures or first mortgage bonds be delivered to the company unless the said extension of the Hamilton, Grimsby and Beamsville Electric Railway to Grimsby Park and Beamsville shall have been completed and actively operated in manner hereinbefore described before the first day of November, 1896, nor until the company shall have completed their title to the lands extending from Prospect street to the side line between lots six and seven in the third concession of Barton in continuation of the line of Maple avenue to a width of not less than sixty-six feet and shall have entered into an agreement with this corporation to petition the Legislature of the Province of Ontario to confirm this By-law and the lien to be created upon the Hamilton, Grimsby and Beamsville Electric Railway under the terms thereof, and to pay all expenses of or connected with such legislation and the application therefor, such agreement to be approved by the city solicitor.

Passed the 20th day of July, A.D., 1896.

GEO. E. TUCKETT,
Mayor.

T. BEASLEY,
City Clerk.

SCHEDULE B.

(*Section 2.*)

Agreement made this twenty-eighth day of December one thousand eight hundred and ninety-six, between the Hamilton, Grimsby and Beamsville Electric Railway Company (hereinafter called the "Company") of the first part, and the Corporation of the City of Hamilton, (hereinafter called the "Corporation") of the second part.

Whereas by by-law number 850 of the said corporation it is provided that when the railway of the said company shall have been completed to Grimsby Park and to Beamsville and is being operated as a through road from Beamsville to Hamilton in the manner set forth in said by-law, the debentures for the remaining sum of five thousand dollars of the bonus granted by by-law number 681 of the corporation shall be issued and delivered to the company and the first mortgage bonds of the said company for twenty thousand dollars held by the corporation shall also be delivered to the company, and the claim of the corporation to the deposit of five thousand dollars more of said bonds shall be relinquished, the said company first entering into an agreement with the corporation to the satisfaction of the city solicitor that in the event of the company failing or ceasing to operate the said railway in the manner described in said by-law 850, the amount of any debentures which shall have been or shall be issued or delivered to the company, their successors or assigns, under or by virtue of the grant made by the said by-laws 681 and 850 to

the said company, shall be repaid to the corporation of the City of Hamilton with interest and that the amount thereof shall form a first lien and charge upon the said railway and upon all the franchises and property of the company, subject only to the prior lien or claim of the holders of the first mortgage bonds of the company for one hundred thousand dollars.

And whereas it was also by said by-law, amongst other things, provided that said by-law 850 should not take effect or become operative, nor should said debentures or first mortgage bonds be delivered to the company until the said company should have entered into an agreement with the said corporation to petition the Legislature of the Province of Ontario to confirm the said by-law and the lien to be created upon the Hamilton, Grimsby and Beamsville Electric Railway by the terms thereof and to pay all expenses of or connected with such legislation and the application therefor, such agreement to be approved by the city solicitor.

And whereas, the said railway has been completed to Grimsby Park and to Beamsville, and is being operated in manner in said by-law provided and the said company has applied to the said corporation for the delivery to the company of the debentures for the remaining sum of five thousand dollars of the bonus granted by said by-law 681, and of the first mortgage bonds of the company for twenty thousand dollars now held by the corporation.

Now this Indenture witnesseth that the said company do hereby covenant and agree with the said city corporation that if the said company, their successors or assigns, shall at any time fail or cease to operate said railway with a daily frequent car service for passengers of not less than eight trains each way daily between the first day of May and the first day of November, and six trains each way daily between the first day of November and first day of May and daily cars for freight and express matter for the whole distance between Hamilton and Grimsby and Beamsville, the amount of the debentures for $25,000 which may be or may have been issued and delivered to the company, their successors or assigns, under or by virtue of the grant made by said by-laws 681 and 850 to the Hamilton, Grimsby and Beamsville Electric Railway Company shall be repaid to the corporation of the City of Hamilton with interest, and that the amount thereof shall form a first lien and charge upon the Hamilton, Grimsby and Beamsville Electric Railway and upon all the franchises and property of the company, subject only to the prior lien or claim of the holders of the first mortgage bonds of the company for one hundred thousand dollars.

And the said Hamilton, Grimsby and Beamsville Electric Railway Company do hereby for themselves, their successors and assigns, grant and covenant to and with the corporation of the City of Hamilton, that the said corporation shall have a first lien and charge, subject only to the prior lien or claim of the holders of said first mortgage bonds, upon the Hamilton, Grimsby and Beamsville Electric Railway, and upon all the franchises and property of the company for the repayment of the amount of the said debentures and interest in case of the said company, their successors or assigns, failing or ceasing to operate said railway in the manner in the next preceding paragraph hereof set forth, and do hereby grant and mortgage unto the said corporation of the City of Hamilton, their successors and assigns, the said Hamilton, Grimsby and Beamsville Electric Railway and all the franchises and property of the said company as and for a security for the repayment to the said city corporation of the sum of twenty-five thousand dollars the amount of said debentures, and interest, in case of the said company, their successors or assigns, ceasing or failing to operate said railway in the manner hereinbefore mentioned, such mortgage or lien to be subject only to the prior lien or claim of the holders of the first mortgage bonds of the company for one hundred thousand dollars.

And the said company do hereby further covenant and agree with the said city corporation that the said company will petition the Legislature of the Province of Ontario to confirm the said by-law number 850 of the corporation of the City of Hamilton and the lien upon the Hamilton, Grimsby and Beamsville Electric Railway and all the franchises and pro-

perty of the said company granted or created by this instrument or intended so to be as a security for the repayment to the corporation of the City of Hamilton in the event hereinbefore mentioned of the said sum of twenty-five thousand dollars and interest, and that the said company will pay all expenses of or connected with such legislation and the application therefor.

In witness whereof the said company have hereunto affixed their seal under the hand of the President and Secretary of the company, and the said corporation have hereunto affixed the City seal under the hand of the Mayor of said city.

Signed, sealed and delivered by the Company in presence of
F. R. WADDELL.

Hamilton, Grimsby & Beamsville Elec. R'y. Co.
THOS. W. LESTER, President (Seal.)
ADAM RUTHERFORD, Sec.-Treas.

And by the City Corporation in presence of
ARCH'D KAPPELE.

GEO. E. TUCKETT, Mayor (Seal.)
T. BEASLEY, City Clerk.

No. 26.

3rd Session, 8th Legislature, 60 Vict. 1897.

BILL.

An Act to confirm an agreement between the Hamilton, Grimsby and Beamsville Electric Railway Company and the City of Hamilton.

First Reading, 26th February, 1897.

(Reprinted as amended by Private Bills Committee.)

Mr. MIDDLETON.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 27.] **BILL.** [1896.

An Act respecting the City of London and the London Street Railway Company.

Preamble.

WHEREAS The London Street Railway Company have by their petition prayed for an Act confirming By-laws Nos. 922, 927,966, 975 and 951, of the City of London, dated respectively the 15th day of July, 1895, the 21st day of October, 1895, the 31st day of July, 1896, the 5th day of October, 1896, and the 29th day of April, 1896, and certain agreements made in pursuance thereof, between the said petitioners and the said Corporation of the City of London, bearing date respectively the 2nd day of August, 1895, the 27th day of June, 1896, the —th day of October, 1896, and the 21st day of May, 1896; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreements of 2nd August, 1895, 27th June, 1896, and October, 1896, and By-laws confirmed.

1. The agreements between The London Street Railway Company and the Corporation of the City of London dated the 2nd day of August, 1895, the 27th day of June, 1896, and the —th day of October, 1896, and the By-laws therein referred to and incorporated therewith, together with By law No. 927, which are set out in schedules "A," "B," "C," and "D" respectively, to this Act, are hereby declared to be valid and legal and to be binding upon the parties thereto.

Agreement between company, city and water commissioners, and By-law 951 of city confirmed.

2. The agreement between The London Street Railway Company, the Corporation of the said City of London, and the Water Commissioners of the said City of London, dated the 21st day of May, 1896, and By-law No. 951 of the said Corporation and the City of London, which are set out in schedule "E" to this Act, are hereby confirmed and declared to be valid

and effective in all respects and to be a good and sufficient grant of the license and privilege therein granted to the said company subject to the terms and conditions set forth therein.

36 V. c. 99, s. 4, amended.

3. Section 4 of *The Act to incorporate The London Street Railway Company*, being chapter 99, of 36 Victoria, is amended by striking out the word "adjoining" in the seventh line thereof and inserting the words "in the County of Middlesex" after the word "municipalities" in the said seventh line.

SCHEDULE A.

By-Law No. 922, Respecting The London Street Railway Company.

Whereas the Legislature of the Province of Ontario, on the 29th day of March, 1873, passed an Act intituled *An Act to incorporate The London Street Railway Company*, by which the said Company, hereinafter called the "Company" are authorized and empowered to construct, maintain, complete and operate a double or single iron railway with the necessary side-tracks, switches and turn-outs for the passage of cars, carriages and other vehicles adapted to the same upon and along such of the public streets and highways within the jurisdiction of the Corporation of the City of London, hereinafter called the "Corporation," as the Company may be authorized to pass along under and subject to any agreement to be made between the Council of the Corporation and the Company and under and subject to any by-law of the Corporation, and to take, transport, and carry passengers and freight upon the same by the force or power of animals or such other power as the Corporation may by By-law from time to time authorize to be used, and to construct and maintain all necessary works, buildings and conveniences therewith connected, and full power is given to the directors to make all by-laws for the management of the Company;

And whereas the Corporation and the Company are by the said Act respectively authorized to make and enter into any agreements or covenants relating to the construction of the said railway for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways, the location of the railway and the particular streets along which the same shall be laid, the pattern of the rail, the time and speed of running the cars, the time within which the works are to be commenced, and the manner of proceeding with the same, and the time for completion and generally for the safety and convenience of passengers, the conduct of the agents and servants of the Company, and the non-obstructing or impeding of the ordinary traffic;

And whereas the Corporation are by the said Act authorized to pass any by-law or by-laws for the purpose of carrying into effect any such agreements or covenants and containing all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, including the Company, and for the enforcing obedience thereto, and also for the facilitating of the running of the Company's cars and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass;

And whereas by By-law Number 916, respecting The London Street Railway Company, passed on the 21st day of May, A. D. 1895, the consent, permission and authority of the Corporation was given and granted to the Company to construct, complete, maintain and operate

during the remainder of the term of fifty years from the 8th day of March, A.D. 1875, a surface electric street railway on the trolley system upon and along certain streets in the said City of London, particularly mentioned in the said by-law upon and subject to the conditions and agreements thereinafter contained ;

And whereas the Company has applied to the Municipal Council of the Corporation for permission to extend, construct, maintain and operate their railway on Railroad Street, in the Sixth Ward, in the said City of London, and the said Council has consented to grant the same upon and subject to the conditions and agreements hereinafter referred to ;

Be it therefore enacted by the Municipal Council of the Corporation of of the City of London, as follows :—

1. The consent, permission and authority of the Corporation is hereby given and granted so far as the Corporation hath power to give and grant the same to the Company, to construct, complete, maintain and operate during the remainder of the said term of fifty years from the 8th day of March, A.D. 1875, a surface electric street railway on the trolley system, for the passage of cars, carriages and other vehicles adapted to the same upon and along Railroad Street, in the Sixth Ward, in the said City of London, in the manner and upon and subject to all the terms, conditions, agreements, stipulations, regulations obligations, provisioes and things contained in the said By-law No. 916, passed on the 21st day of May, A.D. 1895, all of which terms, conditions, agreements, stipulations, regulations, obligations, provisoes and things in the said by-law contained are hereby declared to form part of this by-law as if the same were fully set out therein.

2. Should the grade of the said street be altered and should any damage be thereby caused to private property or to owners of private property, the Company shall be liable to the Corporation for and shall indemnify and save harmless the Corporation from all such damages and costs.

3. One track only, without any switches, Y's, loops, turn-tables cross-overs, side-tracks, turn-outs or other works, shall be laid on the said street, and the said track shall be laid as near as possible to the northern limit of the said street, unless otherwise directed by the Engineer of the Corporation.

4. The laying of the track upon the said street shall not be deemed a laying down of new lines or an extension of tracks within the meaning of Section 21 of the said By-law No. 916.

5. This by-law and the powers and privileges hereby granted shall not take effect or be binding upon the Corporation unless and until formally accepted by the Company within twenty days after the passing thereof, by an agreement which shall legally bind the Company to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained and referred to, and shall be approved by the City Solicitor, and such agreement when so approved shall also be executed under the city's seal by the Mayor or the Chairman of No. 1 Committee and the City Clerk.

Passed in open council this fifteenth day of July, A.D. 1895.

C. A. KINGSTON, Clerk. (Seal)

J. W. LITTLE, Mayor.

Articles of agreement made the second day of August, A.D. 1895, between the Corporation of the City of London (hereinafter called the Corporation), of the first part, and the London Street Railway Company (hereinafter called the Company), of the second part.

Whereas, by an Act of the Legislature of the Province of Ontario, passed on the 29th day of March, A.D. 1873, entitled *An Act to Incorporate the London Street Railway Company*, it is amongst other things provided that the Council of the Corporation and the Company may make and enter into any agreements or covenants relating to the construction of the said railway, for the paving, macadamizing, repairing and grading of the street or highways, and the construction, opening of and repairing of drains or sewers and the laying of gas and water pipes in the said streets

and highways ; the location of the railway and the particular streets along which the same shall be laid ; the pattern of the rail; the time and speed of running the cars ; the time within which the works are to be commenced ; the manner of proceeding with the same and the time for completion and generally for the safety and convenience of passengers ; the conduct of the agents and servants of the Company and the non-obstructing or impeding of the ordinary traffic ;

And whereas the Council of the Corporation on the 15th day of July in the year of our Lord, 1895, passed a By-law numbered 922, granting to the Company certain rights for the construction, maintenance and operation of a street railway upon and along Railroad Street in the 6th Ward in the said City of London upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things therein contained, a true copy of which said by-law is hereto annexed ;

And whereas these presents are intended to give effect to the said by-law and the same have been approved of by the City Solicitor :

Now these presents witness that, in consideration of the granting of the rights and privileges which are by the said by-law granted by the Corporation to the Company, the Company do, for themselves, their successors and assigns, covenant, promise and agree to and with the Corporation and their successors in manner following, that is to say :

That the Company do hereby accept the said by-law and that the Company, their successors and assigns, will in all things conform to, obey, perform, observe, fulfil and keep all and every the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said by-law contained, upon, under and subject to which the said rights and privileges are by the said by-law granted to the Company, and will do and perform all acts, matters and things which the said by-law provides are to be done by or on behalf of the Company and will not do anything which the said by-law provides is not to be done by the Company.

And the Corporation do hereby so far as they have the power so to do ratify and confirm the said by-law and the rights and privileges thereby granted to the Company, subject, however, to all the terms, conditions, agreements, stipulations, regulations, obligations, provisoes and things in the said by-law contained.

In witness whereof the Corporation have caused to be affixed their Corporate Seal and the Mayor and City Clerk have set their hands and the Company have caused to be affixed their Corporate Seal and their President and Secretary have set their hands the day and year first above written.

Signed, sealed and delivered in the presence of	
C. A. KINGSTON, as to signature of J. W. Little.	J. W. LITTLE, Mayor. (Seal)
CHAS. H. IVEY, by the President and Secretary of the London Street Railway Company.	H. A. EVERETT, President. (Seal)
	S. R. BREAK, Secretary.

BY-LAW NO. 927, RESPECTING THE LOCATION OF THE LONDON STREET RAILWAY COMPANY'S TRACK ON CENTRAL AVENUE BETWEEN RICHMOND STREET AND WELLINGTON STREET.

Whereas by By-law No. 916 of the City of London, respecting The London Street Railway Company, passed on the 21st day of May, A.D. 1895, it is provided by section 5 thereof that the railway of The London Street Railway Company shall, unless otherwise directed by By-law of the Council of the Corporation of the City of London, be laid, if and where a single track shall be used, in the centre of the street;

And whereas it is intended to use upon Central Avenue, between Richmond Street and Wellington Street, a single track ;

And whereas it is expedient that the said track should be laid south of the centre line of Central Avenue aforesaid, and in the position hereinafter referred to instead of in the centre of the street, and that this Council should, under the provisions of the said section of the said by-law, so direct the same to be laid ;

Be it therefore enacted by the Municipal Council of the Corporation of the City of London as follows :—

1. That the Municipal Council of the Corporation of the City of London hereby directs that the single track to be used by The London Street Railway for their street railway on Central Avenue, in the said City of London, between Richmond Street and Wellington Street, shall be so laid that the centre of the said track shall at its intersection with the west side of Wellington Street be sixteen feet one inch south of the centre line of the said Central Avenue, and at its intersection with the easterly side of Park Avenue the centre of the said track shall be thirteen feet eight inches south of the centre line of Central Avenue aforesaid, and between the said two points the centre of the track shall be laid in a straight line.

Passed in open council this twenty-first day of October, A.D. 1895.

C. A. KINGSTON, Clerk. J. W. LITTLE, Mayor.

[Seal]

BY-LAW NO. 966, TO AUTHORIZE THE EXECUTION OF AN AGREEMENT BETWEEN THE CORPORATION OF THE CITY OF LONDON AND THE LONDON STREET RAILWAY COMPANY.

Be it enacted by the Municipal Council of the Corporation of the City of London as follows :—

1. That the Mayor be and is hereby authorized and directed to execute on behalf of the City, and to cause to be affixed thereto the Corporate Seal of the City, the proposed agreement between the Corporation of the City of London and the London Street Railway Company, whereby the Corporation grants to the Company permission to move the present superstructure of Clarke's bridge, a copy of said agreement being hereto annexed, providing that within ten days from the passing of this by-law the said agreement be duly executed by The London Street Railway Company.

Passed in open council this thirty-first day of July, A.D. 1896.

C. A. KINGSTON, Clerk. J. W. LITTLE, Mayor.

[Seal]

MEMORANDUM OF AGREEMENT MADE THIS TWENTY-SEVENTH DAY OF JUNE, A.D. 1896, BETWEEN THE CORPORATION OF THE CITY OF LONDON, HEREINAFTER CALLED THE "CORPORATION" OF THE FIRST PART, AND THE LONDON STREET RAILWAY COMPANY, HEREINAFTER CALLED THE "COMPANY" OF THE SECOND PART.

Whereas it is, by Section 49 of the By-law of the City of London No. 916, respecting the London Street Railway Company, passed on the 21st day of May, A.D. 1895, and by the agreement between the parties hereto, dated the 6th day of June, A.D. 1895, provided that the Company shall on the terms and in the manner in the said section of the said By-law provided, either remove the present superstructure of Clarke's bridge and erect and construct a good and sufficient superstructure in its place, or at

the option of the Company extend the abutments of the said bridge and construct and erect upon such abutments so extended by them a good, safe and sufficient bridge for the purposes of their railway only, and shall make and construct the necessary approaches thereto, such bridge to be so constructed by them as not in any way, that the engineer for the time being of the Corporation may deem to be unnecessary or avoidable, to interfere with the existing bridge or the approaches thereto.

And whereas in order to construct and erect said separate superstructure as aforesaid, the Company desire to move the present superstructure of Clarke's bridge aforesaid from its present position to a point about thirty inches west of its present position ;

And whereas it has been agreed by and between the parties hereto that the Company shall be permitted to so remove the present superstructure of the said bridge, subject to the terms and conditions hereinafter contained.

Now this agreement witnesseth :

1. That the Corporation hereby give to the Company permission to move the present superstructure of the said bridge to a point not exceeding thirty inches west of its present position, upon and subject to the conditions and agreements hereinafter mentioned and contained.

2. That the Company, for themselves their successors and assigns, covenant and agree with the Corporation and its successors, as follows :—

(*a*) That the Company shall in performing the work above mentioned put and place the said present superstructure of the said bridge in true alignment, and satisfactory as to its alignment, and in all other respects, to the engineer for the time being of the Corporation, and so that when the said superstructure has been removed as aforesaid it shall be perfectly safe, and in all other respects as good and serviceable for the Corporation and the public as the said superstructure is in its present position, and to the satisfaction of the said engineer and the said Corporation.

(*b*) That the approaches to the said bridge on both sides thereof shall be filled in and made good under the direction and to the satisfaction of the said engineer.

(*c*) That all sidewalks laid to or near the said bridge both on the north and south sides thereof, shall be moved into such new positions as the said engineer may deem most convenient for the public by reason of the change made in the position of the said bridge, and shall be left in such position and in such good and sufficient repair as shall in all respects be satisfactory to the said engineer.

(*d*) That in doing the work aforesaid the Company shall move the said sidewalks to such an extent as the said engineer shall deem necessary to get them in proper and satisfactory position.

(*e*) That the approaches to the new superstructure to be erected by the Company shall be filled in with earth or other material to the satisfaction of the said engineer, on both sides of the said superstructure and to such an extent as the said engineer shall deem necessary.

(*f*) That if the Company in the construction or erection of their said separate superstructure, or in the doing of any of the works contemplated by this agreement shall in any way interfere with the piers of the said bridge they will erect a good and sufficient guard or protection for the said piers against the injury from or in consequence of ice or floods, to the satisfaction of the said engineer, and will so long as they use the said bridge, or any part thereof, maintain and keep in repair the said guard or protection from time to time, and will do such works of repair and maintenance to the said pier and guard or protection as the said engineer may from time to time direct, so that the said pier shall be and continue free from injury from or in consequence of ice or floods during the said period, and that the Company will indemnify and save harmless the Corporation of and from all loss, damage, costs, charges and expenses which the Corporation may sustain, suffer or be put to for or by reason or in consequence of any injury or damage that may be done to the said piers or to the said bridge or any portion thereof by reason of the neglect or failure of the Company to duly and faithfully perform and keep their covenants or any of them contained in this section.

(*g*) That in doing the work aforesaid the Company will interfere as little as possible with the ratepayers of the said City of London and the public using the said sidewalks and bridge, or either of them.

(*h*) That the Company shall during the progress of the work aforesaid, take all such precautions as the said engineer may deem necessary or shall, in fact, be necessary to prevent accidents to persons and property, and shall indemnify and save harmless the Corporation against all loss, damage, costs, charges and expenses which the Corporation may sustain or be put to by reason of any accident or injury which may happen or be done to any person or property by reason of the neglect or improper conduct of the Company in the doing of the said work, or their omissions to take due and proper precautions for the prevention of accidents to persons and property during or in consequence of the work, or for or by reason of the doing of the said work by the Company, but the giving of any directions as to such precautions by the said engineer shall not in any way relieve the Company from liability and responsibility under this section.

(*i*) That all of the work aforesaid shall be commenced forthwith and shall be carried on with due diligence and despatch and shall be fully completed not later than the 25th day of December next, to the satisfaction of the said engineer.

(*j*) That the Company shall pay to the Corporation as liquidated and ascertained damages twenty five dollars for each day that shall elapse after the time hereinbefore fixed for the completion of the said work until the said work shall be finally completed to the satisfaction of the said engineer; and all moneys payable under this paragraph may be deducted from any moneys, if any, which may be payable to the Company by the Corporation under any contract.

In witness whereof the parties hereto have hereunto set their Corporate Seal and the Mayor of the Corporation and the President of the Company have set their hands the day and year first above written.

Signed, sealed and delivered in the presence of	J. W. LITTLE, Mayor, (Corporate Seal.)
As to the signature of J. W. LITTLE, C. A. KINGSTON,	H. A. EVERETT, President. (Seal.)
As to H. A. Everett and Charles Currie, C. E. A. CARR.	CHAS. CURRIE, Secretary.

BY-LAW NO. 975, RESPECTING THE LONDON STREET RAILWAY COMPANY.

Whereas by By-Law No. 916 respecting The London Street Railway Company, passed on the 21st day of May, A.D. 1895, and certain articles of agreement between the Corporation of the City of London, hereinafter called the "Corporation," and The London Street Railway Company, hereinafter called the "Company," bearing date the 6th day of June, A.D. 1895, it was provided that the Company should complete their railway and have the electric cars running efficiently and the whole of the works in full operation upon all of the streets or portions of streets mentioned in sub-section 2 of section 50 of the said by-law within eighteen months of the passing of the said by-laws;

And whereas it was further provided by the said by-law and agreement that the Company should instead of extending their tracks on the Hamilton Road from Rectory Street to Egerton Street and on Egerton Street from the Hamilton Road to Pine Street, provided a free crossing were obtained over the Grand Trunk Railway Company's tracks on Rectory Street, within one year from the passing of the said by-law, lay their tracks on Rectory Street from Dundas Street southerly to the Hamilton Road within the period of eighteen months from the passing of the said by-law;

And whereas the Hamilton Road from Rectory Street to Egerton Street and Egerton Street from the Hamilton Road to Pine Street are portions of the streets mentioned in sub-section 2 of section 50 of the said by-law, upon which the Company were to complete their railway and to have the electric cars running efficiently and the whole of the works in full operation within eighteen months from the passing of the said by-law as hereinbefore recited ;

And whereas a free crossing has not yet been obtained over the Grand Trunk Railway Company's tracks on Rectory Street and the application of the Company for leave to cross the tracks of the said Company on the said Street has not yet been decided by the Railway Committee of the Privy Council of the Dominion of Canada ;

And whereas it is in the interests of the Corporation and of the Company that the time for the laying of the tracks on the Hamilton Road from Rectory Street to Egerton Street and on Egerton Street from the Hamilton Road to Pine Street, the completion of the said railway thereon, the running of the electric cars and the having of the whole of the works in full operation upon the said portions of the said streets within eighteen months from the passing of the said by-law, should be extended for a period of six months, provided that the Company agree with the Corporation that in the event of a free crossing being obtained over the Grand Trunk Railway Company's tracks on Rectory Street within three months from the passing of this By-law, the Company will lay their tracks on Rectory Street from Dundas Street southerly to the Hamilton Road within the period of six months from the passing of this by-law, instead of extending their tracks on the Hamilton Road from Rectory Street to Egerton Street and on Egerton Street from the Hamilton Road to Pine Street ;

And whereas the Company are willing to enter into the agreement mentioned in the next preceding recital hereof and to stipulate and agree with the Corporation that the said By-law No. 916 and the said agreement bearing date the 6th day of June, A.D. 1895, shall, save as varied by this by-law, be declared to be valid and binding in all respects upon the Company notwithstanding the variations aforesaid.

Be it therefore enacted by the Municipal Council of the Corporation of the City of London as follows :—

1. That the time for laying the Company's tracks on the Hamilton Road from Rectory Street to Egerton Street and on Egerton Street from the Hamilton Road to Pine Street, the completion of the said railway thereon, the running of the electric cars and the having of the whole of the works in full operation upon the said portions of the said streets, be and the same is hereby extended for a period of six months from the passing of this by-law.

2. That in the event of a free crossing being obtained over the Grand Trunk Railway Company's tracks on Rectory Street within three months from the passing of this by-law the Company shall, instead of extending their tracks on the Hamilton Road from Rectory Street to Egerton Street and on Egerton Street from the Hamilton Road to Pine Street, lay their tracks on Rectory Street from Dundas Street southerly to the Hamilton Road, and complete their railway and have the electric cars running efficiently, and the whole of their works in full operation upon the said portion of the said street within six months from the passing of this By-law, in default of which all the privileges granted to the Company by the said By-law No. 916 shall cease, determine and be at an end, and in that event the Corporation may exercise the other powers contained in section 56 of the said By-law No. 916.

3. That nothing in this by-law contained shall prejudice or affect the rights of the Corporation under the said By-law No. 916 and the agreement between the Company and the Corporation bearing date the 6th day of June, A.D. 1895, except as varied by this by-law, and that, save as varied by this by-law the said by-law and agreement shall be valid and binding upon the Company, their successors and assigns.

4. This by law and the privileges hereby granted shall not take effect or be binding upon the Corporation unless or until formally accepted by the

Company within two weeks after the passing thereof, by an agreement which shall legally bind the Company to keep the terms contained in the second paragraph hereof and which shall stipulate that nothing in this by-law contained shall prejudice or affect the rights of the Corporation under the said By-law No. 916 and the agreement between the Company and the Corporation dated the 6th day of June, A.D. 1895, except as varied by this by-law, and that, save as varied by this by-law, the said by-law and agreement shall be and remain valid and binding upon the Company, their successors and assigns.

Passed in open council, this fifth day of October, A.D. 1896.

C. A. KINGSTON, Clerk. J. W. LITTLE, Mayor.

[Seal.]

Articles of agreement made this day of October, A. D., 1896.

Between the London Street Railway Company, hereinafter calling the "Company" of the first part, and the Corporation of the City London, hereinafter called the "Corporation," of the second part.

Whereas the Council of the Corporation on the 5th day of October, A.D. 1896, passed a by-law No. 975, extending the time for the laying of the Company's tracks on the Hamilton Road from Rectory Street to Egerton Street, and on Egerton Street from the Hamilton Road to Pine Street, the completion of the Company's railway thereon, the running of electric cars and the having of the whole of the works of the Company in full operation upon the said portions of the said streets, for a period of six months from the passing of the said by-law upon and subject to the terms, conditions, agreements, stipulations, obligations, provisions and things therein contained, a true copy of which said by-law is hereto annexed :—

And whereas these presents are intended to give effect to the said by-law and to bind the Company to keep the terms contained in the said By-law, and that nothing in the said by-law contained shall prejudice or affect the rights of the Corporation under the by-law of the Corporation No. 916, passed on the 21st day of May, A. D. 1895, and the agreement between the Company and the Corporation dated the 6th day of June, A.D. 1895, except as varied by the said By-law No. 975, and that save as varied by the said By-law No. 975, the said By-law No. 916 and agreement dated the 6th day of June, A. D. 1895 shall be and remain valid and binding upon the Company, their successors and assigns ;

Now these presents witnesseth that in consideration of the granting of the rights which are by the said By-law No. 975 granted by the Corporation to the Company, the Company do for themselves, their successors and assigns covenant, promise and agree to and with the Corporation, their successors and assigns in manner following, that is to say:

1. The Company do hereby accept the said By-law No. 975, and that the Company, their successors and assigns will in all things conform to obey, perform, fulfill and keep all and every the terms, conditions, agreements, stipulations, obligations, provisoes and things in the said by-law contained, upon, under and subject to which the said rights are by the said By-law No. 975 granted to the Company; and that the Company will in the event of a free crossing being obtained over the Grand Trunk Railway Company's tracks on Rectory Street within three months after the passing of the said By-law No. 975, instead of extending their tracks on the Hamilton Road from Rectory Street to Egerton Street and on Egerton Street from the Hamilton Road to Pine Street, lay their tracks on Rectory Street from Dundas Street southerly to the Hamilton Road and complete their railway and have the electric cars running efficiently and the whole of the works in full operation on the said portion of the said street within six months from the passing of the said By-law No. 975, in default of which all the privileges granted to the Company by the said By-laws Nos. 916 and 975 shall cease, determine and be at an end, and in that event the Corporation may exercise the other powers contained in section 56 of the said By-law No. 916.

2. That the Company will do and perform all acts, matters and things which the said By-law No. 975 provides are to be done by or on behalf of the Company, and the Company also covenant and agree with the Corporation that nothing in the said By-law No. 975 contained shall prejudice or affect the rights of the Corporation under the said By-law No. 916 or the said agreement between the Company and the Corporation dated the 6th day of June, A. D. 1895, except in so far as the same are varied by the said By-law No. 975 and that save and except in so far as the same are varied by the said By-law No. 975 the said By-law No. 916 and the said agreement between the Company and the Corporation dated the 6th day of June, A. D., 1895, shall be and remain valid and binding upon the Company their successors and assigns.

In witness whereof the Company have caused to be affixed their Corporate Seal and their President and Secretary have set their hands, and the Corporation have caused to be affixed their Corporate Seal and the Mayor and City Clerk have set their hands the day and year first above written.

Signed, sealed and delivered in the presence of

C. E. A. Carr.

C. A. Kingston.

H. A. Everett, President. (Seal.)

Chas. Currie, Secretary.

J. W. Little, President. (Seal.)

By-Law No. 951, to Authorize the Execution of an Agreement between The London Street Railway Company, the Water Commissioners for the City of London and the Corporation of the City of London.

Be it enacted by the Municipal Council of the Corporation of the City of London, as follows:—

1. That the Mayor be and he is hereby authorized and directed to execute, on behalf of the City and to cause to be affixed to it the Corporate Seal of the City, the proposed agreement between The London Street Railway Company, the Water Commissioners for the City of London, and the Corporation of the City of London, a copy whereof is hereto annexed, provided that within forty days from the passing of this By-law the said agreement be duly executed by the other parties to the said agreement and that By-law No. 950 be and the same is hereby repealed.

Passed in open council, this twenty-ninth day of April, A.D. 1896.

C. A. Kingston, Clerk.

J. W. Little, Mayor.

[Seal.]

This Indenture made the twenty-first day of May, A.D. 1896, between the Water Commissioners for the City of London (hereinafter called the Commissioners) of the First Part, The London Street Railway Company (hereinafter called the Company) of the Second Part, and The Corporation of the City of London (hereinafter called the Corporation) of the Third Part.

Whereas the Company have requested the Commissioners and the Corporation, so far as they have power so to do, to grant to the Company the license or permission to lay their railway track upon a portion of the Waterworks property of the Corporation, situate in the Township of Westminster, in the County of Middlesex, and known as "Springbank," and which under the provisions of *The London Waterworks Act, 1873*, and *The London Waterworks Amendment Act, 1878*, is, as by the said Acts provided, placed under the control of the Commissioners.

And whereas the Commissioners and the Corporation have agreed, so far only as they have power so to do, to grant the license and privileges hereinafter mentioned to the Company, upon and subject to the terms, conditions, regulations, stipulations and agreements hereinafter mentioned or contained.

Now this Indenture witnesseth:

1. That the Commissioners and the Corporation, so far as they have the power so to do, but to no other or greater extent, hereby grant unto the Company the license and privilege of laying a single or double track for the Company's railway in that portion of the said Waterworks property, lying east of what is known as the westerly limit of the Franks property, and in such other portions of the Waterworks property as the Commissioners may from time to time by resolution in writing permit, and of laying a single track for the Company's railway through such other portions of the Waterworks property and in such places therein as the Commissioners may from time to time permit. The westerly terminus of the Company's railway shall be at a point immediately west of the baseball grounds, and all passenger trains and cars entering the Waterworks property shall be run to the said westerly terminus (unless and until otherwise permitted or directed by the Commissioners by resolution in writing) and the Company agree with the Commissioners and the Corporation that the westerly terminus shall be and continue, during the continuance of this agreement, at the place above mentioned, unless otherwise permitted or directed by the Commissioners as hereinbefore or by section 22 hereof provided, and that, during the continuance of this agreement, the Company will run all its passenger trains and cars to the westerly terminus.

2. That the Commissioners and the Corporation further grant, so far as they have the power so to do, but to no greater or other extent, the license and privilege to the Company to operate upon the said tracks their railway on the trolley system and to run their cars thereon by means of electricity as the motive power until the eighth day of March, A. D. 1925, unless sooner determined as hereinafter provided.

3. That the Company covenant with the Commissioners and the Corporation that the construction of the said tracks shall be commenced not later than the twenty-fifth day of May, 1896, and shall be continued thereafter without any unnecessary interruption or delay, and the said tracks and all work necessary for constructing and laying the same shall be completed and the electric cars running efficiently thereon on or before the fifteenth day of June, 1896.

4. That the Company further covenant with the Commissioners and the Corporation as follows: That the said tracks and all works necessary for constructing and laying the same shall be built and made in a most substantial manner and according to the best modern practice, under the supervision of the engineer for the time being of the Commissioners, and to the satisfaction of the said engineer and Commissioners, and the said Waterworks property, or such portions thereof as any work shall be done upon by the Company, shall immediately, by and at the expense of the Company, who shall furnish at their own expense all necessary materials, be left in as good a state and condition, and to the satisfaction of the said engineer and the Commissioners when the said tracks are laid and the other necessary work in connection therewith is done by the Company, as they were at the time they were broken up, opened or interfered with by the Company, and the said engineer shall be the judge as to the best modern practice, and his decision in the premises shall be binding on the parties hereto.

5. That the said tracks shall be of the gauge of four feet eight and one-half inches, and the rails shall be what are known as "T" rails. All road crossings, paths and openings shall be made, kept and maintained by the Company during the continuance of this agreement flush with the top of the rails by planking, or in such other manner as may be directed in writing by the Commissioners, and the whole line shall be laid and maintained in such manner as not in any way to obstruct, endanger or imperil the officers, servants or employees of the Commissioners, or any person or persons being in or upon the said Waterworks property, or any portion thereof.

6. That the said tracks shall conform to the grade which shall be given by the said engineer and shall not in any way vary therefrom. If the grade so given by the said engineer does not conform to the existing surface or is above the same, the Company shall at their own expense, make up the surface to such a height and for such a width, not exceeding fourteen feet for a single track and twenty-six feet for a double track, as the said engineer or Commissioners shall direct, and shall put the same in good condition under the direction and to the satisfaction of the said engineer and the Commissioners, and, if the said grade so given shall be at any place below the existing surface the Company shall at their own expense, excavate the surface of the ground in such manner and to such width and extent as the said engineer shall direct and the Company shall use such material for filling and grading as the said engineer shall direct, to the satisfaction of the said engineer, and shall provide the sod necessary therefor, and shall sod where the said engineer shall direct, and shall remove all rough stone and earth and make and leave the surface firm and compact to the satisfaction of the said engineer.

7. That the Corporation and the Council of the Corporation, the Commissioners and their respective officers, servants and contractors shall have the right, free of charge, from time to time, to enter upon any part of the Company's property on its line between the Wharncliffe Highway in the City of London and the westerly terminus of the Company's road in the Waterworks property, either for the purpose of constructing or repairing drains or sewers, or laying down or repairing or altering water pipes, or for any purpose for the time being within the powers, privileges, duties or obligations of the Corporation or of the Commissioners, and may at any time lay down drains, sewers or water pipes under and across the Company's property on its said line of railway as aforesaid, doing no unnecessary damage thereto. And the Company shall, from time to time, upon receiving three days' notice in writing from the Commissioners or the Corporation requiring them to take up any portions of their tracks and other structures or works, which shall be specified in general terms in said notice, immediately take up the same and permit the Corporation, the Council of the Corporation or the Commissioners, their respective officers, servants and contractors, to perform any of the works aforesaid ; Provided always that, in the event of the Company, in pursuance of the said notice or request as aforesaid taking up any of its tracks or other structures or works, the Commissioners or the Corporation who require the tracks, structures or works so to be taken up, shall pay to the Company, upon demand, the reasonable and necessary costs of such taking up and replacing the said tracks, structures or works ; Provided also that, in the event of the Company neglecting or failing for five days after receiving such notice, to take up their tracks, structures or works or any portion thereof when requested as hereinbefore provided, the Corporation, the Council of the Corporation, the Commissioners and their respective officers, servants and contractors, or any or either of them, shall have the right to take up the same for the purposes aforesaid and to do the work aforesaid, the Corporation or the Commissioners so doing or causing the said work to be done hereby agreeing without delay to restore and leave the tracks, structures or works in as good a state and condition, when the necessary work is completed, as they were before they were broken up or interfered with by the Corporation or the Commissioners, or their respective officers, servants or contractors.

8. That no part of the said railway within the Waterworks property shall be opened to the public, or put in operation, until the said engineer shall have given his certificate in writing that such part is in good and safe condition, and has been constructed in all respects conformably to the provisions of this Indenture.

9. That the Company shall construct, maintain, and operate their system without causing any injury to the system of waterworks of the Commissioners, or any portion thereof, or any of the said Waterworks property, and shall be liable for all damages arising from, or by reason of the construction, maintenance or operation of their railway system, and shall from time to time adopt and use the best modern means, satisfactory

to the said engineer, to prevent any such injury as aforesaid, and should the Company fail to adopt and use such means, the Commissioners or the Corporation may adopt or use the same, and charge the cost thereof to the Company, who shall pay the same to the Commissioners or the Corporation on demand.

10. That the Company shall indemnify and save harmless the Corporation and the Commissioners at all times from all loss, damages, costs, charges and expenses of every nature and kind whatsoever, which the Corporation or the Commissioners may incur be put to, or have to pay, by reason of the exercise by the Company of their powers, or any of them or by reason of the neglect of the Company in the executing of their works, or any of them, or by reason of the improper or imperfect execution of their works or any of them, or by reason of the said works becoming unsafe or out of repair, or by reason of the neglect of the Company to do or perform anything which under the provisions of this Indenture, it is their duty to do or perform, or by reason of any act, default, or omission of the Company, or otherwise howsoever, and, should the Corporation or the Commissioners incur, pay or be put to any such loss, damages, costs, charges or expenses, the Company shall forthwith, upon demand, repay the same to the Corporation or the Commissioners.

11. That the Company shall from time to time adopt and use all the most improved safeguards and means to prevent accidents and injury in the working and running of their railway upon the said Waterworks property, and the same shall be from time to time subject to the approval and direction of the said engineer. No motive power other than electricity shall be used by the Company, except with the approval, by resolution in writing, of the Commissioners and the Council of the Corporation. The Company shall not in any case connect any of their wires with the waterpipes of the Commissioners, or with any of the appliances in connection therewith, and, should the Company, in breach of this agreement, connect any of their wires with any of the waterpipes of the Commissioners, or with any of the appliances in connection therewith, they shall, at their own expense, immediately remove any such connections whenever required so to do by the Commissioners and shall and will make good to the Corporation and the Commissioners all loss, injury, damages and expenses that the Corporation or the Commissioners may have incurred or may be put to or incur by reason of the said connections having been made, or the Commisioners may, at their option, remove or cause to be removed any such connections, and charge the cost of such removal to the Company, who shall repay the same to the Commissioners immediately after demand therefor.

12 The Commissioners and the Corporation hereby reserve and they and each of them shall be entitled from time to time to make such rules, regulations, orders and by-laws or any of them in relation to the repair, maintenance and operation of the said railway, and the speed of the Company's cars within the said Waterworks property and all such other matters and things as are dealt with by subsections *c*, *h*, *i*, *j* and *m* of section 25 of By-law No. 916 of the City of London, passed on the 21st day of May, A D. 1895, and as to the headlights of cars and ringing of gongs on cars, and as the latest hour at which cars shall from time to time leave the said Waterworks property, as from time to time they may deem necessary to protect the interest of the Corporation or the Commissioners or to provide for the safety, welfare or accommodation of the public, and the Company shall be bound to observe, fulfil and keep all such rules, regulations, orders and by-laws, and no cars shall be used or run within the said Waterworks property except such as are in all respects from time to time approved of by the City Engineer, under the powers and duties conferred upon him by said By-law No. 916.

13. The Company further covenant with the Commissioners and the Corporation as follows: That the Company shall not run any cars or operate their railway within the said Waterworks property on Sunday or permit any cars to run on their railway, or any portion thereof, upon the said Waterworks property upon any Sunday.

14. That the poles to be used for the Company's wires shall be of wood and of such pattern and description as shall be satisfactory to the Commissioners, and shall, in all other respects, be satisfactory to the Commissioners, and shall be placed in such a manner as to obstruct as little as possible the use of the said property, for other purposes and under and subject to the directions of the said engineer both as to location and otherwise.

15. That only such tracks, with such switches, Y's, loops, turn-tables, cross-overs, side-tracks, turn-outs, or other works as may be approved by the said engineer and the Commissioners, shall be laid in the Waterworks property, and the said tracks shall be laid in such places thereon as the said engineer and the Commissioners shall direct.

16. That the Company shall run a train which shall leave the said City of London at such time between the hours of 6.30 a.m., and 7 a.m., as the Commissioners shall from time to time by writing direct, and such train shall arrive at the Western terminus of their line in the said Waterworks property not later than half an hour from the time of its departure as aforesaid, and shall run a train leaving the said Western terminus at such time between the hours of 5 and 6 p.m. as the Commissioners shall from time to time by writing direct and shall also run at least one other train during the forenoon and two other trains during the afternoon from the said City of London to the said Western terminus of their line and back to the said city each day, except Sundays, during the period between the fifteenth day of May and the fifteenth day of October in each year during the continuance of this agreement.

17. That the Company will receive, when offered to any motorman of the Company on duty upon any car of the Company going to or returning from Springbank, and carry small parcels of goods for the Commissioners, not exceeding fifty pounds in weight or measuring more than fourteen inches in width or depth and thirty-six inches in length, which the Commissioners may require to have delivered for their purposes at their offices in the City Hall or at the Pump House, for the same price as the Company charge for a regular single fare from the said city to the said Waterworks property, the Commissioners to furnish a box for carrying such parcels and shall, when requiring the box to be carried as aforesaid, place the same upon the Company's said cars and remove the same therefrom when it is returned to the place of delivery by the Company, and all such parcels in charge of a messenger, agent or employee of the Commissioners shall be carried free, and all parcels under two pounds in weight shall, when offered to any such motorman on any car as aforesaid, be received by the Company and carried by them free of charge, whether the same be in charge of a messenger, agent or employee of the Commissioners or not; but, as to the said parcels so to be carried free as aforesaid, the Company shall not be responsible except for negligence, and the Company shall only be bound to stop their cars at the places where parcels are to be delivered, as hereinbefore provided, a sufficient length of time to enable the same to be removed, and shall not be bound to deliver the same except upon their cars.

18. That the Company will erect, at their own expense, at all road crossings and paths or other openings now in use or to be opened up hereafter by order of the Commissioners, gates or cattle guards of such material and in such manner as shall meet with the approval of the said engineer and the Commissioners, and thereafter so long as the Company shall use or operate their railway within the said property, or any portion thereof, the said gates or cattle guards shall be maintained by the Company at their own expense.

19. That the Company will erect and maintain at their own expense, within the Waterworks property, so long as they shall use or run their trains within the said Waterworks property, or any portion thereof, such a number of electric lights as shall be deemed sufficient, from time to time, by the Commissioners, where their track or tracks shall cross any regularly travelled road or any path, and at all stopping places or terminals within the said property.

20. That the Company will immediately erect and thereafter, during the continuance of this agreement, maintain fences on both sides of their tracks within the said property, such fences to be at least six feet high on the side next to any of the ponds which may be used for collecting water, and of such a height elsewhere as the Commissioners may direct, an such fences, on the side next to any of the ponds, shall, in addition to the six feet in height of wire, which shall not be barbed wire, have a base board at least one foot high, all to be of such material and construction as shall be to the satisfaction of the Commissioners.

21. This Indenture is made, so far as the Commissioners and the Corporation have power to make the same, and to no greater or other extent and no member or officer of the Commissioners or of the Corporation, whether or not a party to this Indenture, shall in any way be personally responsible to the Company or otherwise under this Indenture.

22. If at any time, in the opinion of the Corporation or the Commissioners, a nuisance is created on any portion of the said Waterworks property by the operation of the said railway, or by the passengers carried thereon, or if, in their opinion, the water supply is in any way affected by the operation of the said railway, or by the passengers carried thereon, the Corporation and the Commissioners may, by a resolutlon passed by a two-thirds vote of the Commissioners, and a resolution passed by a two-thirds vote of all the members of the Council of the Corporation, whilst the number of the members of the Council remains as it is at present, namely, nineteen, or more than that number, and, in the event of the number of the members of the Council being reduced below fifteen, then, by a resolution passed by a vote of a majority of all the members of the Council, require the Company to extend their line westerly to any point within the Waterworks property now vested in the Corporation, and that no passengers shall be permitted to enter or leave the cars of the Company east of a point within the said property to be fixed by the Corporation and the Commissioners, and the Company shall be bound to obey such resolutions.

23. That the Company further agree with the Commissioners and the Corporation that they will, at their own expense, as soon as the Grand Trunk Railway Company puts in their part of the proposed siding and switch, construct a switch and siding near the Wharncliffe Highway Bridge from their tracks to the Southerly boundary of the Grand Trunk Railway Company's lands, to connect with the switch and siding to be built by the Grand Trunk Railway Company for the purpose of receiving the engines and coal cars from the said the Grand Trunk Railway Company or any other steam railway company, and will thereafter, at their own expense, maintain the same ; and that they will also at their own expense construct and maintain, during the continuance of this agreement, a switch and siding from some point on their own line within the Waterworks property to the coal sheds of the Commissioners each of said switches and sidings combined not to exceed three hundred feet in length ; and that they will also permit steam railroad locomotives, weighing sixty tons or less, together with steam railroad cars loaded with coal, or empty, to pass over their tracks, switches and sidings between the Grand Trunk Railway Company's said switch and siding and the Company's switch and siding at the Commissioners' coal sheds, and also over the Company's switch and siding at the Commissioners' coal sheds. Said Steam Railroad Company's engines and cars, when passing over the Company's tracks as aforesaid to run at a rate of speed not exceeding ten miles an hour ; Provided always that the Steam Railroad Company, running engines or cars over the Company's line, or any portion thereof, as hereinbefore provided, assume for themselves all loss to their own employees or property, arising from damage or injury from any cause other than neglect or failure of the Company to keep its covenant contained in section 29 hereof, and all liability to third persons arising from their acts or the acts of their employees. And provided also that the Commissioners or the Corporation or the Steam Railroad Company desiring to run engines and coal cars as aforesaid, shall give to the Company at least twenty-four hours' notice in writing of their desire to pass over the Company's line with the engines

and coal cars as aforesaid between the said points; And provided also that the right to run engines and cars as aforesaid shall only be exercised between the first day of May and the thirty-first day of October in each year during the continuance of this agreement, and that, in the exercise of the right of running steam railroad engines and cars as aforesaid, the Company's passenger cars and trains shall have precedence over all other trains, and the said steam railroad engines and cars shall be run so as to interfere as little as possible with the regular schedule traffic of the Company; And provided also that no steam railroad engine and cars shall pass over any portion of the Company's road hereinbefore described except for the purpose of hauling coal for the use of the Commissioners or the Corporation or for bringing back the empty cars.

24. The Company further agree with the Commissioners and the Corporation that they will haul for the Commissioners and the Corporation, or either of them, coal, paving stone, broken stone, gravel, garbage, street sweepings or any other material from any point on their City or Springbank line to any other point on their City or Springbank line, for the price or sum of one dollar per full carload of ten tons capacity (and for larger or heavier loads in the same proportion), the cars for the purposes mentioned in this section to be provided by the Commissioners or the Corporation, and such cars shall be loaded and unloaded by the Commissioners or the Corporation; or, at the option of the Commissioners and the Corporation or either of them, the Company will, on request, load and unload the same at the actual cost price and will deliver to the Commissioners and the Corporation, or either of them, whenever requested in writing so to do, a detailed statement in writing, duly verified of the actual cost, and will also haul, free of charge, between the said points the empty cars.

25. The Company further agree with the Commissioners and the Corporation that, for the purposes mentioned in the next preceding section hereof, the Company will, from time to time without unnecessary delay, on being requested so to do by the Commissioners or the Corporation, make, at the expense of the Commissioners or the Corporation, such extensions of their tracks and such connections by switches and sidings with the Company's track or tracks at any point or points on the Company's City or Springbank line as they may be so requested from time to time to make.

26. The Company, in so far as they have the power so to do, but to no other or greater extent, agree with the Corporation that the Corporation and their successors may, at their own risk as to any damages, if any, which may thereby be done to third parties, and at their own expense, from time to time, during the continuance of this agreement, make use of the Company's embankment on the low lying lands near the coves for the purpose of preventing the flooding of the said lands, and, for the purposes aforesaid, the Corporation shall have the right from time to time to strengthen and face the said embankment with timber or any other material, and to place and maintain, during the continuance of this agreement, stop logs or gates where the Company's line crosses the coves, but the Corporation shall be liable to the Company for all damages which may be caused to the embankment by reason of any of the acts of the Corporation done under the authority of this section.

27. That the Company shall be at liberty to give band concerts, fire works displays, and other attractions, which shall receive the sanction in writing of the Commissioners, upon the said Waterworks property, provided no charge is made to the public therefor, and provided also that all such precautions as the Commissioners may see fit from time to time to make with respect to the fireworks or other attractions, shall be complied with by the Company, their contractors, servants, agents and workmen.

28. That the Company shall be permitted to land at the dock of the Commissioners, and at such other place or places on the said property as the Commissioners from time to time may by resolution in writing permit, during the continuance of this agreement, such electric launches for the carriage of passengers as the Company may from time to time lease or own for the purpose of carrying passengers to and from the said Water

works property, provided, however, that nothing herein contained shall require or compel the Commissioners to keep up the said dock, or any other dock or landing, nor shall the Commissioners or the Corporation or their successors or any of them be responsible or liable to any action for damages or otherwise for or by reason of any injury which any person or persons may sustain, suffer, or be put to for or by reason or on account of any use of the said dock or property, or by reason of the same not being kept up and maintained, or otherwise howsoever.

29. The Company further agree to and with the Commissioners and the Corporation that the Company will, during the continuance of this agreement, keep all the culverts and bridges and their right of way tracks and switches between the Grand Trunk Railway Company's line at the point mentioned in section 23 hereof, and the said coal sheds in the said section mentioned, in such a state of repair and condition as to permit from time to time the steam railroad locomotives and cars referred to in section 23 hereof, going to and returning from the said Waterworks property, as provided in the said section, for any of the purposes in the said section mentioned, to pass over the said culverts, bridges and right of way in safety.

30. The Company further agree with the Commissioners that the Company will from time to time, immediately upon being notified so to do by the Commissioners or their engineer for the time being, or superintendent or other person in charge of the said Waterworks property, remove all refuse, rubbish and other materials from the said property, brought or left there by any of the passengers of the Company, and dispose of the same to the satisfaction of the Commissioners (the decision of the said engineer or superintendent as to what refuse, rubbish or other materials were so brought to or left upon the said grounds shall be final and conclusive) and, in the event of the Company neglecting or refusing to remove the said refuse, rubbish and other materials, or any portion thereof, from the said property, and to dispose of the same as hereinbefore provided, the Commissioners shall be at liberty to cause the same to be removed and so disposed of, and the cost of such removal and disposal shall be paid by the Company to the Commissioners on demand, and, in the event of the Company neglecting or refusing to pay the said moneys so expended as aforesaid within one month after such demand, the Commissioners and the Corporation may, by a resolution passed by a two-thirds vote of the Commissioners, and by a resolution passed by a two-thirds vote of all the members of the council of the Corporation, whilst the number of the members of the council remains as it is at present, namely, nineteen, or more than that number, and, in the event of the number of the members of the council being reduced below fifteen, then, by a resolution passed by a majority of all the members of the council, determine this agreement, and thereupon all the rights and privileges hereby or by any subsequent agreement between the parties hereto granted to the Company shall cease, determine, and be at an end.

31. The Company further agree with the Commissioners that the Company will haul for the Commissioners from time to time between the first day of May and the thirty-first day of October in each year during the continuance of this agreement, from the places hereinafter mentioned, to the coal sheds of the Commissioners on the said Waterworks property, such coal as the said Commissioners shall require and request the Company to haul for them, at the price or sum of twenty-five cents per ton, provided that, in the event of the Grand Trunk Railway Company's switch referred to in section 23 hereof, being put in, the coal so to be hauled as aforesaid shall thereafter be delivered to the Company upon the said switch or siding, provided also that until the said switch and siding are put in, as aforesaid, the coal so to be hauled as aforesaid shall be delivered to the Company, either upon the Company's switch at, or near their power house in the City of London, loaded in cars having automatic dump bottoms, or shall be delivered upon any other switch of the Grand Trunk Railway Company, or of any other company operating the lines of the Grand Trunk Railway Company in the said city, to be designated by the Company.

31*a*. The Company agree with the Commissioners and the Corporation, and each of them, that, in laying their tracks and in performing the other work provided by this agreement to be done by them and in maintaining and operating their railway, they will, so far as is practicable so to do, employ residents of the city of London.

31*b*. The Company agree with the Commissioners and the Corporation that the Company will not, during the continuance of this agreement, charge or collect from any workman presenting to the conductor or other person in charge of a car, a certificate in writing signed by the said engineer, or by the city engineer for the time being, stating that such person is in the employment of the Corporation or the Commissioners, for a journey from the westerly limit of the City of London to the westerly terminus of the Company's said railway on the said Waterworks property or any other stopping place on the said Waterworks property, a greater sum than is provided by sub-section "*d*" of section 25 of the said By-law No. 916, for fares between the hours of 6.30 a. m. and 8 a. m. and between the hours of 5 and 6.30 p. m. and that the Company will not charge any such workman, for a journey from the said westerly terminus of their said railway on the said Waterworks property or any other stopping place on the said Waterworks property to the said westerly limit of the said city, a greater sum than is provided by sub-section "*d*" of section 25 of the said By-law, No. 916, for fares between the said hours of 6.30 a. m. and 8 a. m. and between the said hours 5 and 6.30 p. m. and that the Company will issue and sell, from time to time during the continuance of this agreement, to such of the said workmen as may desire to purchase the same and to the Commissioners and the Corporation, tickets to entitle such workmen as aforesaid to journeys on the cars as aforesaid, and the said workmen shall be entitled to travel on the said trains and cars as aforesaid between the hours of 6.30 a. m. and 8 a. m. and between the hours of 5 and 6.30 p. m. on delivery of one of such tickets as aforesaid or on payment of a cash fare of five cents, as such workmen may elect.

32. It is further agreed by and between the parties hereto, that, in the event of the powers, rights, duties and privileges of the Commissioners, under *The London Waterworks Act, 1873*, and amending Acts, being determined under the provisions of section 5 of *The London Waterworks Amendment Act, 1873*, or any other Act or law, it shall not be necessary that there shall be any resolution by the Commissioners, or a majority of them as required by the 22nd and 30th sections of this agreement, or either of them; but the Council of the Corporation shall be at liberty to exercise any of the rights by the said sections conferred by resolution of the Council of the Corporation passed in the manner provided by the said sections, and, in such an event, the Council of the Corporation shall also be invested with all the powers, rights and privileges which are by this agreement conferred upon, or vested in the Commissioners, and shall be entitled to enforce all the agreements and covenants herein made by the Company with the Commissioners in the same manner as if the same had been made by the Company with the Corporation.

33. In the event of the Company failing or neglecting to faithfully fulfil and keep on their part, in any respect, at any time, the terms and conditions of this agreement, the Company shall pay to the Commissioners for every day after the fifth day in which any default or breach shall happen, as liquidated and ascertained damages, the sum of ten dollars, and, in case such breach of any of the said terms or conditions shall continue for the space of thirty days, whether consecutive or not, in any year (in reckoning the said thirty days parts of days shall be counted, and seventeen working hours, whether consecutive or not, and whether in the same twenty-four hours or not shall be counted as one day) the Corporation, by resolution of the Council thereof, or the Commissioners by a resolution may declare that all of the privileges and rights which the Company may have acquired by this or any other agreement hereafter made, are at an end, and the said rights and privileges shall thereupon cease, and be at an end accordingly, and the said agreements rescinded, and, in such case, the Corporation or the Commissioners shall have the right to require all

materials and obstructions placed upon or in the said property of the Corporation under any such agreement to be removed therefrom, and the said property to be put in as good condition and repair as it was before the said materials and obstructions were placed therein or thereon, and the expense thereof shall be paid to the Corporation or the Commissioners, whichever shall require or cause said materials or obstructions to be removed and the said property to be put in good condition and repair as aforesaid by the Company on demand, and the payment may be enforced in any Court of competent jurisdiction by the Commissioners or the Corporation against the Company.

34. It is further agreed by and between the parties hereto that, in the event of this agreement not being determined or cancelled before the eighth day of March A.D. 1925, the Company shall, within three months after the said eighth day of March A.D. 1925, at their own expense, remove from the said Waterworks property all materials and obstructions at any time placed by the Company therein or thereon and shall, within the said three months, put the said property in as good condition and repair as it was before the said materials and obstructions were placed therein or thereon and to the satisfaction of the Commissioners; and, in the event of the Company neglecting or failing to remove the said materials and obstructions within the time aforesaid, or to put the said property in the condition of repair aforesaid, the Commissioners or the Corporation shall have the right to require or cause all materials and obstructions at any time placed upon the said property by the Company under any such agreement to be removed therefrom, and the said property to be put in as good condition and repair as it was before the said materials and obstructions were placed therein or thereon, and the expense thereof shall be paid to the Commissioners or the Corporation, whichever shall require or cause the said materials and obstructions to be removed and the said property to be put in good condition and repair as aforesaid, by the Company on demand, and the payment may be enforced in any Court of competent jurisdiction by the Commissioners or the Corporation against the Company.

35. In case the Company shall fail to do, to the satisfaction of the said engineer, any work or things which, by the terms of this agreement, they are to do, or, in case the Company shall fail to maintain or keep in a proper and sufficient state of repair, during the continuance of this agreement, the tracks of the said railway upon the said Waterworks property, or the fences, switches, sidings, crossings, gates, cattle guards and other works, or any of them, upon the said Waterworks property, then, in addition to all other remedies by this agreement provided or by law enforceable against the Company, the said engineer may give written notice to the Company (which may be served by leaving the same at the office of the Company in the City of London, or by mailing the same by registered letter addressed to the Company at the said City of London) specifying in general terms the nature of the work or thing which the Company has failed to do, or the approximate locality of any such want of maintenance or repair, and, if the Company shall not, within seven days thereafter, have done such work or thing, or put in proper condition and repair such tracks, fences, switches, sidings, crossings, gates, cattle guards or other works upon the said Waterworks property, to the satisfaction of the said Engineer, then such work or thing may be done, and such repairs may be made by the Commissioners, or the Corporation, or the Council thereof, at the expense of the Company, and the amount so expended may be recovered from the Company in any court of competent jurisdiction, and in case of the failure of the Company to pay the same for the period of one month after the recovery of a judgment for any amount, all rights and privileges hereby, or by any subsequent agreement between the parties hereto granted to the Company shall cease, determine and be at an end: Provided that such delay shall not relieve the Company in any case from their liability, under the provisions of this agreement, to indemnify the Corporation and Commissioners against loss or damage arising from the default or neglect of the Company, to do the work or thing, or make the repair, or maintain the work, in respect of which such notice shall be given.

35*a*. Wherever the words "engineer" or "said engineer" are used in this agreement, they shall mean the engineer for the time being of the Commis-

sioners, and wherever the words "the Superintendent" are used in this agreement, they shall mean the Superintendent for the time being of the Commissioners, and, in the event of the powers, rights, duties and privileges of the Commissioners under *The London Waterworks Act, 1873* and amending Acts, being determined under the provisions of section 5 of *The London Waterworks Amendment Act, 1878*, or any other Act or law, the said words "engineer" and "said engineer" shall, after such determination, mean the Engineer of the Corporation for the time being, and the said words "the superintendent" shall mean the street commissioner of the Corporation for the time being, or other officer performing the duties now performed by the street commissioner.

36. If the Company shall fail or neglect to keep, observe, perform or comply with any of the provisions of this agreement on their part, in which the residents of the City of London or the Commissioners or the Corporation are interested; then, in addition to all other remedies hereby provided or by law enforceable against the Company, the Corporation or the Commissioners may bring an action in the High Court of Justice or other Court of competent jurisdiction against the Company, and all other necessary parties (if any) to compel the keeping, observing, performing of and complying with such provisions by the Company, and the Court shall have full power and jurisdiction in the premises and to enforce, by injunction or otherwise, the due observance, performance and fulfilment by the Company and its officers of all the provisions of this agreement in which the residents of the City of London or the Commissioners or the Corporation are interested.

37. It is further agreed by and between the parties hereto that, in the event of the rights and privileges granted to the Company by the Corporation, by By-law No. 916 of the Corporation, passed on the twenty-first day of May, A.D. 1895, or the agreement relating thereto, or by any other by-law of the Corporation or agreement between the Corporation and the Company, being determined before the eighth day of March, A.D. 1925, this agreement shall immediately, upon the determination of the said rights and privileges of the Company, cease, determine and be at an end.

38. There may be an appeal to the Commissioners, and in the event of the office of the Commissioners being abolished, as mentioned in section 32 hereof, there may, after such office is abolished, be an appeal to the council of the Corporation with regard to the said engineer's decision as to the best modern practice mentioned in section 4 hereof, as to the best modern means mentioned in section 9 hereof, and as to the most improved safeguards and means to prevent accidents and injury mentioned in section 11 hereof. Notice of such appeal must be given within five days from the decision appealed from, and such notice shall be served on the opposite party at least two weeks before the meeting of the Commissioners, or Council, as the case may be, at which the appeal is to be heard, and the decision of the Commissioners or Council, as the case may be, shall be final and conclusive.

39. The Corporation and the Commissioners will join with the Company in applying to the Legislature of the Province of Ontario at its next session for legislation confirming and ratifying this agreement and declaring the same to be valid and binding upon the parties hereto, all expenses in connection with the procuring of such legislation to be borne and paid by the Company, provided that the Act of the Legislature so confirming and ratifying the said agreement shall contain, as a section thereof, the words following or to the like effect:—"If the Company shall fail or neglect to keep, observe, perform or comply with any of the provisions of this agreement on their part, in which the residents of the City of London, or the Commissioners or the Corporation are interested, then, in addition to all other remedies hereby provided, or by law enforceable against the Company, the Corporation or the Commissioners may bring an action in the High Court of Justice or other Court of competent jurisdiction, against the Company and all other necessary parties (if any) to compel the keeping, observing, performing of and complying with such provisions by the Company, and the Court shall have full power and jurisdiction in the premises,

and to enforce by injunction or otherwise, the due observance, performance and fulfilment by the Company and its officers of all the provisions of this agreement in which the residents of the City of London, or the Commissioners or the Corporation are interested."

40. Nothing in this agreement contained shall in any way impair, prejudice or affect the rights and privileges of the Commissioners conferred by or contained in *The London Waterworks Act, 1873*, *The London Waterworks Amendment Act, 1878*, or any Act, now or hereafter, amending the same.

41. And it is hereby declared and agreed that the expressions "the Company," "the Commissioners" and "the Corporation," wherever used in this Indenture, shall, where the context allows, include and be binding not only upon the said, The London Street Railway Company, The Water Commissioners for the City of London, and the Corporation of the City of London, the parties hereto, but also on their respective successors and assigns.

In witness whereof the parties hereto have caused to be affixed their Corporate Seals and the Chairman of the Commissioners, the President of the Company, and the Mayor of the Corporation have set their hands the day and year first above written.

Signed, sealed and delivered in the presence of

(Signed) CHARLES CURRIE.

(Signed) JOSEPH C. JUDD, Chairman.	Corporate Seal of Commissioners.
(Signed) J. W. LITTLE, Mayor.	Corporate Seal of City.
(Signed) H. A. EVERETT, Pres. London Street Railway Company.	Corporate Seal of Street Ry. Co.

No. 27.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting The London Street Railway Company.

First Reading, 1897.

(Private Bill.)

Mr. HOBBS.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 27.] **BILL.** [1897.

An Act respecting the City of London and the London Street Railway Company.

Preamble.

WHEREAS The London Street Railway Company have by their petition prayed for an Act confirming By-laws Nos. 922, 927, 966, 975 and 951, of the City of London, dated respectively the 15th day of July, 1895, the 21st day of October, 1895, the 31st day of July, 1896, the 5th day of October, 1896, and the 29th day of April, 1896, and certain agreements made in pursuance thereof, between the said petitioners and the said Corporation of the City of London, bearing date respectively the 2nd day of August, 1895, the 27th day of June, 1896, the —th day of October, 1896, and the 21st day of May, 1896; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreements of 2nd August, 1895, 27th June, 1896, and October 1896, and By-laws confirmed.

1. The agreements between The London Street Railway Company and the Corporation of the City of London dated the 2nd day of August, 1895, the 27th day of June, 1896, and the —th day of October, 1896, and the By-laws therein referred to and incorporated therewith, together with By law No. 927, which are set out in schedules "A," "B," "C," and "D" respectively, to this Act, are hereby declared to be valid and legal and to be binding upon the parties thereto.

Agreement between company, city and water commissioners, and By-law 951 of city confirmed.

2. The agreement between The London Street Railway Company, the Corporation of the said City of London, and the Water Commissioners of the said City of London, dated the 21st day of May, 1896, and By-law No. 951 of the said Corporation and the City of London, which are set out in schedule "E" to this Act, are hereby confirmed and declared to be valid

and effective in all respects and to be a good and sufficient grant of the license and privilege therein granted to the said company subject to the terms and conditions set forth therein.

36 V. c. 99, s. 4, amended.

Corporation may bring action to enforce observance of by-law

3. If the London Street Railway Company shall fail or neglect to keep, observe, perform, or comply with any of the provisions of the said by-laws or agreements in which the residents of the City of London or the corporation of the City of London or the water commissioners for the City of London or any other person or corporation are interested, then and in addition to all other remedies by the said by-laws or agreements, or any of them, provided or by law enforceable against the said company, the corporation of the City of London or the water commissioners for the City of London may bring an action in the High Court of Justice or other court of competent jurisdiction against the said company and all other necessary parties (if any) to compel the keeping, observing, performing of and complying with such provisions of the said by-laws, or any of them, or of the said agreements, or any of them, by the said company, and the court shall have full power and jurisdiction in the premises, and to enforce by injunction or otherwise the due observance, performance and fulfilment by the said company and its officers and other persons of all the provisions of the said by-laws and agreements in which the residents of the City of London or the corporation of the City of London or the water commissioners for the City of London or any other person or corporation are interested.

36 V. c. 99, s. 4, amended

4. Section 4 of the Act to incorporate the London Street Railway Company, being chapter 99 of 36 Victoria, is amended by adding thereto the following: Provided, however, that the company may, subject to all the provisoes and conditions in their acts contained, construct, maintain, complete and operate their railway to the Village of Lucan, in the Township of Biddulph, being an extension of their line beyond the Township of London of about two and one-half miles.

SCHEDULE A.

By-Law No. 922, Respecting The London Street Railway Company.

Whereas the Legislature of the Province of Ontario, on the 29th day of March, 1873, passed an Act intituled *An Act to incorporate The London Street Railway Company*, by which the said Company, hereinafter called the "Company" are authorized and empowered to construct, maintain, complete and operate a double or single iron railway with the necessary side-tracks, switches and turn-outs for the passage of cars, carriages and other vehicles adapted to the same upon and along such of the public streets and highways within the jurisdiction of the Corporation of the City of London, hereinafter called the "Corporation," as the Company may be authorized to pass along under and subject to any agreement to be made

between the Council of the Corporation and the Company and under and subject to any by-law of the Corporation, and to take, transport, and carry passengers and freight upon the same by the force or power of animals or such other power as the Corporation may by By-law from time to time authorize to be used, and to construct and maintain all necessary works, buildings and conveniences therewith connected, and full power is given to the directors to make all by-laws for the management of the Company ;

And whereas the Corporation and the Company are by the said Act respectively authorized to make and enter into any agreements or covenants relating to the construction of the said railway for the paving, macadamizing repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways, the location of the railway and the particular streets along which the same shall be laid, the pattern of the rail, the time and speed of running the cars, the time within which the works are to be commenced, and the manner of proceeding with the same, and the time for completion and generally for the safety and convenience of passengers, the conduct of the agents and servants of the Company, and the non-obstructing or impeding of the ordinary traffic ;

And whereas the Corporation are by the said Act authorized to pass any by-law or by-laws for the purpose of carrying into effect any such agreements or covenants and containing all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, including the Company, and for the enforcing obedience thereto, and also for the facilitating of the running of the Company's cars and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass ;

And whereas by By-law Number 916, respecting The London Street Railway Company, passed on the 21st day of May, A. D. 1895, the consent, permission and authority of the Corporation was given and granted to the Company to construct, complete, maintain and operate during the remainder of the term of fifty years from the 8th day of March, A.D. 1875, a surface electric street railway on the trolley system upon and along certain streets in the said City of London, particularly mentioned in the said by-law upon and subject to the conditions and agreements thereinafter contained ;

And whereas the Company has applied to the Municipal Council of the Corporation for permission to extend, construct, maintain and operate their railway on Railroad Street, in the Sixth Ward, in the said City of London, and the said Council has consented to grant the same upon and subject to the conditions and agreements hereinafter referred to ;

Be it therefore enacted by the Municipal Council of the Corporation of of the City of London, as follows :—

1. The consent, permission and authority of the Corporation is hereby given and granted so far as the Corporation hath power to give and grant the same to the Company, to construct, complete, maintain and operate during the remainder of the said term of fifty years from the 8th day of March, A.D. 1875, a surface electric street railway on the trolley system, for the passage of cars, carriages and other vehicles adapted to the same upon and along Railroad Street, in the Sixth Ward, in the said City of London, in the manner and upon and subject to all the terms, conditions, agreements, stipulations, regulations obligations, provisioes and things contained in the said By-law No. 916, passed on the 21st day of May, A.D. 1895, all of which terms, conditions, agreements, stipulations, regulations, obligations, provisoes and things in the said by-law contained are hereby declared to form part of this by-law as if the same were fully set out therein.

2. Should the grade of the said street be altered and should any damage be thereby caused to private property or to owners of private property, the Company shall be liable to the Corporation for and shall indemnify and save harmless the Corporation from all such damages and costs.

3. One track only, without any switches, Y's, loops, turn-tables, cross-overs, side-tracks, turn-outs or other works, shall be laid on the said street, and the said track shall be laid as near as possible to the northern limit of the said street, unless otherwise directed by the Engineer of the Corporation.

4. The laying of the track upon the said street shall not be deemed a laying down of new lines or an extension of tracks within the meaning of Section 21 of the said By-law No. 916.

5. This by-law and the powers and privileges hereby granted shall not take effect or be binding upon the Corporation unless and until formally accepted by the Company within twenty days after the passing thereof, by an agreement which shall legally bind the Company to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained and referred to, and shall be approved by the City Solicitor, and such agreement when so approved shall also be executed under the city's seal by the Mayor or the Chairman of No. 1 Committee and the City Clerk.

Passed in open council this fifteenth day of July, A.D. 1895.

C. A. KINGSTON, Clerk. (Seal) J. W. LITTLE, Mayor.

Articles of agreement made the second day of August, A.D. 1895, between the Corporation of the City of London (hereinafter called the Corporation), of the first part, and the London Street Railway Company (hereinafter called the Company), of the second part.

Whereas, by an Act of the Legislature of the Province of Ontario, passed on the 29th day of March, A.D. 1873, entitled *An Act to Incorporate the London Street Railway Company*, it is amongst other things provided that the Council of the Corporation and the Company may make and enter into any agreements or covenants relating to the construction of the said railway, for the paving, macadamizing, repairing and grading of the street or highways, and the construction, opening of and repairing of drains or sewers and the laying of gas and water pipes in the said streets and highways; the location of the railway and the particular streets along which the same shall be laid; the pattern of the rail; the time and speed of running the cars; the time within which the works are to be commenced; the manner of proceeding with the same and the time for completion and generally for the safety and convenience of passengers; the conduct of the agents and servants of the Company and the non-obstructing or impeding of the ordinary traffic;

And whereas the Council of the Corporation on the 15th day of July in the year of our Lord, 1895, passed a By-law numbered 922, granting to the Company certain rights for the construction, maintenance and operation of a street railway upon and along Railroad Street in the 6th Ward in the said City of London upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things therein contained, a true copy of which said by-law is hereto annexed;

And whereas these presents are intended to give effect to the said by-law and the same have been approved of by the City Solicitor:

Now these presents witness that, in consideration of the granting of the rights and privileges which are by the said by-law granted by the Corporation to the Company, the Company do, for themselves, their successors and assigns, covenant, promise and agree to and with the Corporation and their successors in manner following, that is to say:

That the Company do hereby accept the said by-law and that the Company, their successors and assigns, will in all things conform to, obey, perform, observe, fulfil and keep all and every the terms, conditions, agreements, stipulations, regulations obligations, provisions and things in the said by-law contained, upon, under and subject to which the said rights and privileges are by the said by-law granted to the Company, and will do and perform all acts, matters and things which the said by-law provides are to be done by or on behalf of the Company and will not do anything which the said by-law provides is not to be done by the Company.

And the Corporation do hereby so far as they have the power so to do ratify and confirm the said by-law and the rights and privileges thereby granted to the Company, subject, however, to all the terms, conditions, agreements, stipulations, regulations, obligations, provisoes and things in the said by-law contained.

In witness whereof the Corporation have caused to be affixed their Corporate Seal and the Mayor and City Clerk have set their hands and the Company have caused to be affixed their Corporate Seal and their President and Secretary have set their hands the day and year first above written.

Signed, sealed and delivered in the presence of

C. A. KINGSTON, as to signature of J. W. Little.

CHAS. H. IVEY, by the President and Secretary of the London Street Railway Company.

J. W. LITTLE, Mayor. (Seal)

H. A. EVERETT, President. (Seal)

S. R. BREAK, Secretary.

SCHEDULE B.

MEMORANDUM OF AGREEMENT MADE THIS TWENTY-SEVENTH DAY OF JUNE, A.D. 1896, BETWEEN THE CORPORATION OF THE CITY OF LONDON, HEREINAFTER CALLED THE "CORPORATION" OF THE FIRST PART, AND THE LONDON STREET RAILWAY COMPANY, HEREINAFTER CALLED THE "COMPANY" OF THE SECOND PART.

Whereas it is, by Section 49 of the By-law of the City of London No. 916, respecting the London Street Railway Company, passed on the 21st day of May, A.D. 1895, and by the agreement between the parties hereto, dated the 6th day of June, A.D. 1895, provided that the Company shall on the terms and in the manner in the said section of the said By-law provided, either remove the present superstructure of Clarke's bridge and erect and construct a good and sufficient superstructure in its place, or at the option of the Company extend the abutments of the said bridge and construct and erect upon such abutments so extended by them a good, safe and sufficient bridge for the purposes of their railway only, and shall make and construct the necessary approaches thereto, such bridge to be so constructed by them as not in any way, that the engineer for the time being of the Corporation may deem to be unnecessary or avoidable, to interfere with the existing bridge or the approaches thereto.

And whereas in order to construct and erect said separate superstructure as aforesaid, the Company desire to move the present superstructure of Clarke's bridge aforesaid from its present position to a point about thirty inches west of its present position;

And whereas it has been agreed by and between the parties hereto that the Company shall be permitted to so remove the present superstructure of the said bridge, subject to the terms and conditions hereinafter contained.

Now this agreement witnesseth:

1. That the Corporation hereby give to the Company permission to move the present superstructure of the said bridge to a point not exceeding thirty inches west of its present position, upon and subject to the conditions and agreements hereinafter mentioned and contained.

2. That the Company, for themselves, their successors and assigns, covenant and agree with the Corporation and its successors, as follows:—

(a) That the Company shall in performing the work above mentioned put and place the said present superstructure of the said bridge in true

alignment. and satisfactory as to its alignment, and in all other respects, to the engineer for the time being of the Corporation, and so that when the said superstructure has been removed as aforesaid it shall be perfectly safe, and in all other respects as good and serviceable for the Corporation and the public as the said superstructure is in its present position, and to the satisfaction of the said engineer and the said Corporation.

(*b*) That the approaches to the saidbridge on both sides thereof shall be filled in and made good under the direction and to the satisfaction of the said engineer.

(*c*) That all sidewalks laid to or near the said bridge both on the north and south sides thereof, shall be moved into such new positions as the said engineer may deem most convenient for the public by reason of the change made in the position of the said bridge, and shall be left in such position and in such good and sufficient repair as shall in all respects be satisfactory to the said engineer.

(*d*) That in doing the work aforesaid the Company shall move the said sidewalks to such an extent as the said engineer shall deem necessary to get them in proper and satisfactory position.

(*e*) That the approaches to the new superstructure to be erected by the Company shall be filled in with earth or other material to the satisfaction of the said engineer, on both sides of the said superstructure and to such an extent as the said engineer shall deem necessary.

(*f*) That if the Company in the construction or erection of their said separate superstructure, or in the doing of any of the works contemplated by this agreement shall in any way interfere with the piers of the said bridge they will erect a good and sufficient guard or protection for the said piers against the injury from or in consequence of ice or floods, to the satisfaction of the said engineer, and will so long as they use the said bridge, or any part thereof, maintain and keep in repair the said guard or protection from time to time, and will do such works of repair and maintenance to the said pier and guard or protection as the said engineer may from time to time direct, so that the said pier shall be and continue free from injury from or in consequence of ice or floods during the said period, and that the Company will indemnify and save harmless the Corporation of and from all loss, damage, costs, charges and expenses which the Corporation may sustain, suffer or be put to for or by reason or in consequence of any injury or damage that may be done to the said piers or to the said bridge or any portion thereof by reason of the neglect or failure of the Company to duly and faithfully perform and keep their covenants or any of them contained in this section.

(*g*) That in doing the work aforesaid the Company will interfere as little as possible with the ratepayers of the said City of London and the public using the said sidewalks and bridge, or either of them.

(*h*) That the Company shall during the progress of the work aforesaid, take all such precautions as the said engineer may deem necessary or shall, in fact, be necessary to prevent accidents to persons and property, and shall indemnify and save harmless the Corporation against all loss, damage, costs, charges and expenses which the Corporation may sustain or be put to by reason of any accident or injury which may happen or be done to any person or property by reason of the neglect or improper conduct of the Company in the doing of the said work, or their omissions to take due and proper precautions for the prevention of accidents to persons and property during or in consequence of the work, or for or by reason of the doing of the said work by the Company, but the giving of any directions as to such precautions by the said engineer shall not in any way relieve the Company from liability and responsibility under this section.

(*i*) That all of the work aforesaid shall be commenced forthwith and shall be carried on with due diligence and despatch and shall be fully completed not later than the 25th day of December next, to the satisfaction of the said engineer.

(*j*) That the Company shall pay to the Corporation as liquidated and ascertained damages twenty five dollars for each day that shall elapse after the time hereinbefore fixed for the completion of the said work until the said work shall be finally completed to the satisfaction of the said

engineer; and all moneys payable under this paragraph may be deducted from any moneys, if any, which may be payable to the Company by the Corporation under any contract.

In witness whereof the parties hereto have hereunto set their Corporate Seal and the Mayor of the Corporation and the President of the Company have set their hands the day and year first above written.

Signed, sealed and delivered in the presence of	J. W. LITTLE, Mayor, (Corporate Seal.)
As to the signature of J. W. LITTLE, C. A. KINGSTON,	H. A. EVERETT. President.
As to H. A. Everett and Charles Currie, C. E. A. CARR.	(Seal.) CHAS. CURRIE, Secretary.

SCHEDULE C.

BY-LAW NO. 975, RESPECTING THE LONDON STREET RAILWAY COMPANY.

Whereas by By-Law No. 916 respecting The London Street Railway Company, passed on the 21st day of May, A.D. 1895, and certain articles of agreement between the Corporation of the City of London, hereinafter called the "Corporation," and The London Street Railway Company, hereinafter called the "Company," bearing date the 6th day of June, A.D. 1895, it was provided that the Company should complete their railway and have the electric cars running efficiently and the whole of the works in full operation upon all of the streets or portions of streets mentioned in sub-section 2 of section 50 of the said by-law within eighteen months of the passing of the said by-laws;

And whereas it was further provided by the said by-law and agreement that the Company should instead of extending their tracks on the Hamilton Road from Rectory Street to Egerton Street and on Egerton Street from the Hamilton Road to Pine Street, provided a free crossing were obtained over the Grand Trunk Railway Company's tracks on Rectory Street, within one year from the passing of the said by-law, lay their tracks on Rectory Street from Dundas Street southerly to the Hamilton Road within the period of eighteen months from the passing of the said by-law;

And whereas the Hamilton Road from Rectory Street to Egerton Street and Egerton Street from the Hamilton Road to Pine Street are portions of the streets mentioned in sub-section 2 of section 50 of the said by-law, upon which the Company were to complete their railway and to have the electric cars running efficiently and the whole of the works in full operation within eighteen months from the passing of the said by-law as hereinbefore recited;

And whereas a free crossing has not yet been obtained over the Grand Trunk Railway Company's tracks on Rectory Street and the application of the Company for leave to cross the tracks of the said Company on the said Street has not yet been decided by the Railway Committee of the Privy Council of the Dominion of Canada;

And whereas it is in the interests of the Corporation and of the Company that the time for the laying of the tracks on the Hamilton Road from Rectory Street to Egerton Street and on Egerton Street from the Hamilton Road to Pine Street, the completion of the said railway thereon, the running of the electric cars and the having of the whole of the works in full operation upon the said portions of the said streets within eighteen months from the passing of the said by-law, should be extended for a period of six months, provided that the Company agree with the Corporation that in the event of a free crossing being obtained over the

Grand Trunk Railway Company's tracks on Rectory Street within three months from the passing of this By-law, the Company will lay their tracks on Rectory Street from Dundas Street southerly to the Hamilton Road within the period of six months from the passing of this by-law, instead of extending their tracks on the Hamilton Road from Rectory Street to Egerton Street and on Egerton Street from the Hamilton Road to Pine Street ;

And whereas the Company are willing to enter into the agreement mentioned in the next preceding recital hereof and to stipulate and agree with the Corporation that the said By-law No. 916 and the said agreement bearing date the 6th day of June, A.D. 1895, shall, save as varied by this by-law, be declared to be valid and binding in all respects upon the Company notwithstanding the variations aforesaid.

Be it therefore enacted by the Municipal Council of the Corporation of the City of London as follows :—

1. That the time for laying the Company's tracks on the Hamilton Road from Rectory Street to Egerton Street and on Egerton Street from the Hamilton Road to Pine Street, the completion of the said railway thereon, the running of the electric cars and the having of the whole of the works in full operation upon the said portions of the said streets, be and the same is hereby extended for a period of six months from the passing of this by-law.

2. That in the event of a free crossing being obtained over the Grand Trunk Railway Company's tracks on Rectory Street within three months from the passing of this by-law the Company shall, instead of extending their tracks on the Hamilton Road from Rectory Street to Egerton Street and on Egerton Street from the Hamilton Road to Pine Street, lay their tracks on Rectory Street from Dundas Street southerly to the Hamilton Road, and complete their railway and have the electric cars running efficiently, and the whole of their works in full operation upon the said portion of the said street within six months from the passing of this By-law, in default of which all the privileges granted to the Company by the said By-law No. 916 shall cease, determine and be at an end, and in that event the Corporation may exercise the other powers contained in section 56 of the said By-law No. 916.

3. That nothing in this by-law contained shall prejudice or affect the rights of the Corporation under the said By-law No. 916 and the agreement between the Company and the Corporation bearing date the 6th day of June, A.D. 1895, except as varied by this by-law, and that, save as varied by this by-law the said by-law and agreement shall be valid and binding upon the Company, their successors and assigns.

4. This by law and the privileges hereby granted shall not take effect or be binding upon the Corporation unless or until formally accepted by the Company within two weeks after the passing thereof, by an agreement which shall legally bind the Company to keep the terms contained in the second paragraph hereof and which shall stipulate that nothing in this by-law contained shall prejudice or affect the rights of the Corporation under the said By-law No. 916 and the agreement between the Company and the Corporation dated the 6th day of June, A.D. 1895, except as varied by this by-law, and that, save as varied by this by-law, the said by-law and agreement shall be and remain valid and binding upon the Company, their successors and assigns.

Passed in open council, this fifth day of October, A.D. 1896.

C. A. KINGSTON, Clerk. J. W. LITTLE, Mayor.

[Seal.]

Articles of agreement made this day of October, A. D., 1896.

Between the London Street Railway Company, hereinafter calling the "Company" of the first part, and the Corporation of the City London, hereinafter called the "Corporation," of the second part.

Whereas the Council of the Corporation on the 5th day of October, A.D. 1896, passed a by-law No. 975, extending the time for the laying of the Company's tracks on the Hamilton Road from Rectory Street to

Egerton Street, and on Egerton Street from the Hamilton Road to Pine Street, the completion of the Company's railway thereon, the running of electric cars and the having of the whole of the works of the Company in full operation upon the said portions of the said streets, for a period of six months from the passing of the said by-law upon and subject to the terms, conditions, agreements, stipulations, obligations, provisions and things therein contained, a true copy of which said by-law is hereto annexed :—

And whereas these presents are intended to give effect to the said by-law and to bind the Company to keep the terms contained in the said By-law, and that nothing in the said by-law contained shall prejudice or affect the rights of the Corporation under the by-law of the Corporation No. 916, passed on the 21st day of May, A. D. 1895, and the agreement between the Company and the Corporation dated the 6th day of June, A.D. 1895, except as varied by the said By-law No. 975, and that save as varied by the said By-law No. 975, the said By-law No. 916 and agreement dated the 6th day of June, A. D. 1895, shall be and remain valid and binding upon the Company, their successors and assigns ;

Now these presents witnesseth that in consideration of the granting of the rights which are by the said By-law No. 975 granted by the Corporation to the Company, the Company do for themselves, their successors and assigns covenant, promise and agree to and with the Corporation, their successors and assigns in manner following, that is to say:

1. The Company do hereby accept the said By-law No. 975, and that the Company, their successors and assigns will in all things conform to obey, perform, fulfill and keep all and every the terms, conditions, agreements, stipulations, obligations, provisoes and things in the said by-law contained, upon, under and subject to which the said rights are by the said By-law No. 975 granted to the Company; and that the Company will in the event of a free crossing being obtained over the Grand Trunk Railway Company's tracks on Rectory Street within three months after the passing of the said By-law No. 975, instead of extending their tracks on the Hamilton Road from Rectory Street to Egerton Street and on Egerton Street from the Hamilton Road to Pine Street, lay their tracks on Rectory Street from Dundas Street southerly to the Hamilton Road and complete their railway and have the electric cars running efficiently and the whole of the works in full operation on the said portion of the said street within six months from the passing of the said By-law No. 975, in default of which all the privileges granted to the Company by the said By-laws Nos. 916 and 975 shall cease, determine and be at an end, and in that event the Corporation may exercise the other powers contained in section 56 of the said By-law No. 916.

2. That the Company will do and perform all acts, matters and things which the said By-law No. 975 provides are to be done by or on behalf of the Company, and the Company also covenant and agree with the Corporation that nothing in the said By-law No. 975 contained shall prejudice or affect the rights of the Corporation under the said By-law No. 916 or the said agreement between the Company and the Corporation dated the 6th day of June, A. D. 1895, except in so far as the same are varied by the said By-law No. 975 and that save and except in so far as the same are varied by the said By-law No. 975 the said By-law No. 916 and the said agreement between the Company and the Corporation dated the 6th day of June, A. D., 1895, shall be and remain valid and binding upon the Company their successors and assigns.

In witness whereof the Company have caused to be affixed their Corporate Seal and their President and Secretary have set their hands, and the Corporation have caused to be affixed their Corporate Seal and the Mayor and City Clerk have set their hands the day and year first above written.

Signed, sealed and delivered in the presence of

C. E. A. Carr.

C. A. Kingston.

H. A. Everett, President. (Seal.)

Chas. Currie, Secretary.

J. W. Little, President. (Seal.)

SCHEDULE D.

By-law No. 927, Respecting the Location of the London Street Railway Company's Track on Central Avenue Between Richmond Street and Wellington Street.

Whereas by By-law No. 916 of the City of London, respecting The London Street Railway Company, passed on the 21st day of May, A.D. 1895, it is provided by section 5 thereof that the railway of The London Street Railway Company shall, unless otherwise directed by By-law of the Council of the Corporation of the City of London, be laid, if and where a single track shall be used, in the centre of the street;

And whereas it is intended to use upon Central Avenue, between Richmond Street and Wellington Street, a single track;

And whereas it is expedient that the said track should be laid south of the centre line of Central Avenue aforesaid, and in the position hereinafter referred to instead of in the centre of the street, and that this Council should, under the provisions of the said section of the said by-law, so direct the same to be laid;

Be it therefore enacted by the Municipal Council of the Corporation of the City of London as follows:—

1. That the Municipal Council of the Corporation of the City of London hereby directs that the single track to be used by The London Street Railway for their street railway on Central Avenue, in the said City of London, between Richmond Street and Wellington Street, shall be so laid that the centre of the said track shall at its intersection with the west side of Wellington Street be sixteen feet one inch south of the centre line of the said Central Avenue, and at its intersection with the easterly side of Park Avenue the centre of the said track shall be thirteen feet eight inches south of the centre line of Central Avenue aforesaid, and between the said two points the centre of the track shall be laid in a straight line.

Passed in open council this twenty-first day of October, A.D. 1895.

C. A. Kingston, Clerk. J. W. Little, Mayor.

[Seal]

By-Law No. 966, to Authorize the Execution of an Agreement Between the Corporation of the City of London and the London Street Railway Company.

Be it enacted by the Municipal Council of the Corporation of the City of London as follows:—

1. That the Mayor be and is hereby authorized and directed to execute on behalf of the City, and to cause to be affixed thereto the Corporate Seal of the City, the proposed agreement between the Corporation of the City of London and the London Street Railway Company, whereby the Corporation grants to the Company permission to move the present superstructure of Clarke's bridge, a copy of said agreement being hereto annexed, providing that within ten days from the passing of this by-law the said agreement be duly executed by The London Street Railway Company.

Passed in open council this thirty-first day of July, A.D. 1896.

C. A. Kingston, Clerk. J. W. Little, Mayor.

[Seal]

SCHEDULE E.

By-Law No. 951, to Authorize the execution of an Agreement between The London Street Railway Company, the Water Commissioners for the City of London and the Corporation of the City of London.

Be it enacted by the Municipal Council of the Corporation of the City of London, as follows :—

1. That the Mayor be and he is hereby authorized and directed to execute, on behalf of the City and to cause to be affixed to it the Corporate Seal of the City, the proposed agreement between The London Street Railway Company, the Water Commissioners for the City of London, and the Corporation of the City of London, a copy whereof is hereto annexed, provided that within forty days from the passing of this By-law the said agreement be duly executed by the other parties to the said agreement and that By-law No. 950 be and the same is hereby repealed.

Passed in open council, this twenty-ninth day of April, A.D. 1896.

C. A. Kingston, Clerk. J. W. Little, Mayor.

[Seal.]

This Indenture made the twenty-first day of May, A.D. 1896, between the Water Commissioners for the City of London (hereinafter called the Commissioners) of the First Part, The London Street Railway Company (hereinafter called the Company) of the Second Part, and The Corporation of the City of London (hereinafter called the Corporation) of the Third Part.

Whereas the Company have requested the Commissioners and the Corporation, so far as they have power so to do, to grant to the Company the license or permission to lay their railway track upon a portion of the Waterworks property of the Corporation, situate in the Township of Westminster, in the County of Middlesex, and known as "Springbank," and which under the provisions of *The London Waterworks Act, 1873*, and *The London Waterworks Amendment Act, 1878*, is, as by the said Acts provided, placed under the control of the Commissioners.

And whereas the Commissioners and the Corporation have agreed, so far only as they have power so to do, to grant the license and privileges hereinafter mentioned to the Company, upon and subject to the terms, conditions, regulations, stipulations and agreements hereinafter mentioned or contained.

Now this Indenture witnesseth :

1. That the Commissioners and the Corporation, so far as they have the power so to do, but to no other or greater extent, hereby grant unto the Company the license and privilege of laying a single or double track for the Company's railway in that portion of the said Waterworks property, lying east of what is known as the westerly limit of the Franks property, and in such other portions of the Waterworks property as the Commissioners may from time to time by resolution in writing permit, and of laying a single track for the Company's railway through such other portions of the Waterworks property and in such places therein as the Commissioners may from time to time permit. The westerly terminus of the Company's railway shall be at a point immediately west of the baseball grounds, and all passenger trains and cars entering the Waterworks property shall be run to the said westerly terminus (unless and until otherwise permitted or directed by the Commissioners by resolution in writing) and the Company agree with the Commissioners and the Corporation that the westerly terminus shall be and continue, during the continuance of this agreement, at the place above mentioned, unless otherwise permitted or directed by the Commissioners as hereinbefore or by section 22 hereof provided, and that, during the continuance of this agreement, the Company will run all its passenger trains and cars to the westerly terminus.

2. That the Commissioners and the Corporation further grant, so far as they have the power so to do, but to no greater or other extent, the license and privilege to the Company to operate upon the said tracks their railway on the trolley system and to run their cars thereon by means of electricity as the motive power until the eighth day of March, A. D. 1925, unless sooner determined as hereinafter provided.

3. That the Company covenant with the Commissioners and the Corporation that the construction of the said tracks shall be commenced not later than the twenty-fifth day of May, 1896, and shall be continued thereafter without any unnecessary interruption or delay, and the said tracks and all work necessary for constructing and laying the same shall be completed and the electric cars running efficiently thereon on or before the fifteenth day of June, 1896.

4. That the Company further convenant with the Commissioners and the Corporation as follows: That the said tracks and all works necessary for constructing and laying the same shall be built and made in a most substantial manner and according to the best modern practice, under the supervision of the engineer for the time being of the Commissioners, and to the satisfaction of the said engineer and Commissioners, and the said Waterworks property, or such portions thereof as any work shall be done upon by the Company, shall immediately, by and at the expense of the Company, who shall furnish at their own expense all necessary materials, be left in as good a state and condition, and to the satisfaction of the said engineer and the Commissioners, when the said tracks are laid and the other necessary work in connection therewith is done by the Company, as they were at the time they were broken up, opened or interfered with by the Company, and the said engineer shall be the judge as to the best modern practice, and his decision in the premises shall be binding on the parties hereto.

5. That the said tracks shall be of the gauge of four feet eight and one-half inches, and the rails shall be what are known as "T" rails. All road crossings, paths and openings shall be made, kept and maintained by the Company during the continuance of this agreement flush with the top of the rails by planking, or in such other manner as may be directed in writing by the Commissioners, and the whole line shall be laid and maintained in such manner as not in any way to obstruct, endanger or imperil the officers, servants or employees of the Commissioners, or any person or persons being in or upon the said Waterworks property, or any portion thereof.

6. That the said tracks shall conform to the grade which shall be given by the said engineer and shall not in any way vary therefrom. If the grade so given by the said engineer does not conform to the existing surface or is above the same, the Company shall at their own expense, make up the surface to such a height and for such a width, not exceeding fourteen feet for a single track and twenty-six feet for a double track, as the said engineer or Commissioners shall direct, and shall put the same in good condition under the direction and to the satisfaction of the said engineer and the Commissioners, and, if the said grade so given shall be at any place below the existing surface, the Company shall at their own expense, excavate the surface of the ground in such manner and to such width and extent as the said engineer shall direct, and the Company shall use such material for filling and grading as the said engineer shall direct, to the satisfaction of the said engineer, and shall provide the sod necessary therefor, and shall sod where the said engineer shall direct, and shall remove all rough stone and earth and make and leave the surface firm and compact to the satisfaction of the said engineer.

7. That the Corporation and the Council of the Corporation, the Commissioners and their respective officers, servants and contractors shall have the right, free of charge, from time to time, to enter upon any part of the Company's property on its line between the Wharncliffe Highway in the City of London and the westerly terminus of the Company's road in the Waterworks property, either for the purpose of constructing or repairing drains or sewers, or laying down or repairing or altering water pipes, or for any purpose for the time being within the powers, privileges, duties or obligations of the Corporation or of the Commissioners, and may at any

time lay down drains, sewers or water pipes under and across the Company's property on its said line of railway as aforesaid, doing no unnecessary damage thereto. And the Company shall, from time to time, upon receiving three days' notice in writing from the Commissioners or the Corporation requiring them to take up any portions of their tracks and other structures or works, which shall be specified in general terms in said notice, immediately take up the same and permit the Corporation, the Council of the Corporation or the Commissioners, their respective officers, servants and contractors, to perform any of the works aforesaid ; Provided always that, in the event of the Company, in pursuance of the said notice or request as aforesaid, taking up any of its tracks or other structures or works, the Commissioners or the Corporation who require the tracks, structures or works so to be taken up, shall pay to the Company, upon demand, the reasonable and necessary costs of such taking up and replacing the said tracks, structures or works ; Provided also that, in the event of the Company neglecting or failing for five days after receiving such notice, to take up their tracks, structures or works or any portion thereof when requested as hereinbefore provided, the Corporation, the Council of the Corporation, the Commissioners and their respective officers, servants and contractors, or any or either of them, shall have the right to take up the same for the purposes aforesaid and to do the work aforesaid, the Corporation or the Commissioners so doing or causing the said work to be done hereby agreeing without delay to restore and leave the tracks, structures or works in as good a state and condition, when the necessary work is completed, as they were before they were broken up or interfered with by the Corporation or the Commissioners, or their respective officers, servants or contractors.

8. That no part of the said railway within the Waterworks property shall be opened to the public, or put in operation, until the said engineer shall have given his certificate in writing that such part is in good and safe condition, and has been constructed in all respects conformably to the provisions of this Indenture.

9. That the Company shall construct, maintain, and operate their system without causing any injury to the system of waterworks of the Commissioners, or any portion thereof, or any of the said Waterworks property, and shall be liable for all damages arising from, or by reason of the construction, maintenance or operation of their railway system, and shal from time to time adopt and use the best modern means, satisfactory to the said engineer, to prevent any such injury as aforesaid, and should the Company fail to adopt and use such means, the Commissioners or the Corporation may adopt or use the same, and charge the cost thereof to the Company, who shall pay the same to the Commissioners or the Corporation on demand.

10. That the Company shall indemnify and save harmless the Corporation and the Commissioners at all times from all loss, damages, costs, charges and expenses of every nature and kind whatsoever, which the Corporation or the Commissioners may incur, be put to, or have to pay, by reason of the exercise by the Company of their powers, or any of them, or by reason of the neglect of the Company in the executing of their works, or any of them, or by reason of the improper or imperfect execution of their works or any of them, or by reason of the said works becoming unsafe or out of repair, or by reason of the neglect of the Company to do or perform anything which, under the provisions of this Indenture, it is their duty to do or perform, or by reason of any act, default, or omission of the Company, or otherwise howsoever, and, should the Corporation or the Commissioners incur, pay or be put to any such loss, damages, costs, charges or expenses, the Company shall forthwith, upon demand, repay the same to the Corporation or the Commissioners.

11. That the Company shall from time to time adopt and use all the most improved safeguards and means to prevent accidents and injury in the working and running of their railway upon the said Waterworks property, and the same shall be from time to time subject to the approval and direction of the said engineer. No motive power other than electricity shall be used by the Company, except with the approval, by

resolution in writing, of the Commissioners and the Council of the Corporation. The Company shall not in any case connect any of their wires with the waterpipes of the Commissioners, or with any of the appliances in connection therewith, and, should the Company, in breach of this agreement, connect any of their wires with any of the waterpipes of the Commissioners, or with any of the appliances in connection therewith, they shall, at their own expense, immediately remove any such connections whenever required so to do by the Commissioners and shall and will make good to the Corporation and the Commissioners all loss, injury, damages and expenses that the Corporation or the Commissioners may have incurred or may be put to or incur by reason of the said connections having been made, or the Commisioners may, at their option, remove or cause to be removed any such connections, and charge the cost of such removal to the Company, who shall repay the same to the Commissioners immediately after demand therefor.

12. The Commissioners and the Corporation hereby reserve and they and each of them shall be entitled from time to time to make such rules, regulations, orders and by-laws or any of them in relation to the repair, maintenance and operation of the said railway, and the speed of the Company's cars within the said Waterworks property and all such other matters and things as are dealt with by subsections *c*, *h*, *i*, *j* and *m* of section 25 of By-law No. 916 of the City of London, passed on the 21st day of May, A D. 1895, and as to the headlights of cars and ringing of gongs on cars, and as the latest hour at which cars shall from time to time leave the said Waterworks property, as from time to time they may deem necessary to protect the interest of the Corporation or the Commissioners, or to provide for the safety, welfare or accommodation of the public, and the Company shall be bound to observe, fulfil and keep all such rules, regulations, orders and by-laws, and no cars shall be used or run within the said Waterworks property except such as are in all respects from time to time approved of by the City Engineer, under the powers and duties conferred upon him by said By-law No. 916.

13. The Company further covenant with the Commissioners and the Corporation as follows: That the Company shall not run any cars or operate their railway within the said Waterworks property on Sunday or permit any cars to run on their railway, or any portion thereof, upon the said Waterworks property upon any Sunday.

14. That the poles to be used for the Company's wires shall be of wood and of such pattern and description as shall be satisfactory to the Commissioners, and shall, in all other respects, be satisfactory to the Commissioners, and shall be placed in such a manner as to obstruct as little as possible the use of the said property, for other purposes and under and subject to the directions of the said engineer both as to location and otherwise.

15. That only such tracks, with such switches, Y's, loops, turn-tables, cross-overs, side-tracks, turn-outs, or other works as may be approved by the said engineer and the Commissioners, shall be laid in the Waterworks property, and the said tracks shall be laid in such places thereon as the said engineer and the Commissioners shall direct.

16. That the Company shall run a train which shall leave the said City of London at such time between the hours of 6.30 a.m., and 7 a.m., as the Commissioners shall from time to time by writing direct and such train shall arrive at the Western terminus of their line in the said Waterworks property not later than half an hour from the time of its departure as aforesaid, and shall run a train leaving the said Western terminus at such time between the hours of 5 and 6 p.m. as the Commissioners shall from time to time by writing direct, and shall also run at least one other train during the forenoon and two other trains during the afternoon from the said City of London to the said Western terminus of their line and back to the said city each day, except Sundays, during the period between the fifteenth day of May and the fifteenth day of October in each year during the continuance of this agreement.

17. That the Company will receive, when offered to any motorman of the Company on duty upon any car of the Company going to

or returning from Springbank, and carry small parcels of goods for the Commissioners, not exceeding fifty pounds in weight or measuring more than fourteen inches in width or depth and thirty-six inches in length, which the Commissioners may require to have delivered for their purposes at their offices in the City Hall or at the Pump House, for the same price as the Company charge for a regular single fare from the said city to the said Waterworks property, the Commissioners to furnish a box for carrying such parcels and shall, when requiring the box to be carried as aforesaid, place the same upon the Company's said cars and remove the same therefrom when it is returned to the place of delivery by the Company, and all such parcels in charge of a messenger, agent or employee of the Commissioners shall be carried free, and all parcels under two pounds in weight shall, when offered to any such motorman on any car as aforesaid, be received by the Company and carried by them free of charge, whether the same be in charge of a messenger, agent or employee of the Commissioners or not; but, as to the said parcels so to be carried free as aforesaid, the Company shall not be responsible except for negligence, and the Company shall only be bound to stop their cars at the places where parcels are to be delivered, as hereinbefore provided, a sufficient length of time to enable the same to be removed, and shall not be bound to deliver the same except upon their cars.

18. That the Company will erect, at their own expense, at all road crossings and paths or other openings now in use or to be opened up hereafter by order of the Commissioners, gates or cattle guards of such material and in such manner as shall meet with the approval of the said engineer and the Commissioners, and thereafter so long as the Company shall use or operate their railway within the said property, or any portion thereof, the said gates or cattle guards shall be maintained by the Company at their own expense.

19. That the Company will erect and maintain at their own expense, within the Waterworks property, so long as they shall use or run their trains within the said Waterworks property, or any portion thereof, such a number of electric lights as shall be deemed sufficient, from time to time, by the Commissioners, where their track or tracks shall cross any regularly travelled road or any path, and at all stopping places or terminals within the said property.

20. That the Company will immediately erect and thereafter, during the continuance of this agreement, maintain fences on both sides of their tracks within the said property, such fences to be at least six feet high on the side next to any of the ponds which may be used for collecting water, and of such a height elsewhere as the Commissioners may direct, and such fences, on the side next to any of the ponds, shall, in addition to the six feet in height of wire, which shall not be barbed wire, have a base board at least one foot high, all to be of such material and construction as shall be to the satisfaction of the Commissioners.

21. This Indenture is made, so far as the Commissioners and the Corporation have power to make the same, and to no greater or other extent, and no member or officer of the Commissioners or of the Corporation, whether or not a party to this Indenture, shall in any way be personally responsible to the Company or otherwise under this Indenture.

22. If at any time, in the opinion of the Corporation or the Commissioners, a nuisance is created on any portion of the said Waterworks property by the operation of the said railway, or by the passengers carried thereon, or if, in their opinion, the water supply is in any way affected by the operation of the said railway, or by the passengers carried thereon, the Corporation and the Commissioners may, by a resolution passed by a two-thirds vote of the Commissioners, and a resolution passed by a two-thirds vote of all the members of the Council of the Corporation, whilst the number of the members of the Council remains as it is at present, namely, nineteen, or more than that number, and, in the event of the number of the members of the Council being reduced below fifteen, then, by a resolution passed by a vote of a majority of all the members of the Council, require the Company to extend their line westerly to any point

within the Waterworks property now vested in the Corporation, and that no passengers shall be permitted to enter or leave the cars of the Company east of a point within the said property to be fixed by the Corporation and the Commissioners, and the Company shall be bound to obey such resolutions.

23. That the Company further agree with the Commissioners and the Corporation that they will, at their own expense, as soon as the Grand Trunk Railway Company puts in their part of the proposed siding and switch, construct a switch and siding near the Wharncliffe Highway Bridge from their tracks to the Southerly boundary of the Grand Trunk Railway Company's lands, to connect with the switch and siding to be built by the Grand Trunk Railway Company for the purpose of receiving the engines and coal cars from the said the Grand Trunk Railway Company or any other steam railway company, and will thereafter, at their own expense, maintain the same ; and that they will also at their own expense construct and maintain, during the continuance of this agreement, a switch and siding from some point on their own line within the Waterworks property to the coal sheds of the Commissioners, each of said switches and sidings combined not to exceed three hundred feet in length ; and that they will also permit steam railroad locomotives, weighing sixty tons or less, together with steam railroad cars loaded with coal, or empty, to pass over their tracks, switches and sidings between the Grand Trunk Railway Company's said switch and siding and the Company's switch and siding at the Commissioners' coal sheds, and also over the Company's switch and siding at the Commissioners' coal sheds. Said Steam Railroad Company's engines and cars, when passing over the Company's tracks as aforesaid, to run at a rate of speed not exceeding ten miles an hour ; Provided always that the Steam Railroad Company, running engines or cars over the Company's line, or any portion thereof, as hereinbefore provided, assume for themselves all loss to their own employees or property, arising from damage or injury from any cause other than neglect or failure of the Company to keep its covenant contained in section 29 hereof, and all liability to third persons arising from their acts or the acts of their employees. And provided also that the Commissioners or the Corporation or the Steam Railroad Company desiring to run engines and coal cars as aforesaid, shall give to the Company at least twenty-four hours' notice in writing of their desire to pass over the Company's line with the engines and coal cars as aforesaid between the said points ; And provided also that the right to run engines and cars as aforesaid shall only be exercised between the first day of May and the thirty-first day of October in each year during the continuance of this agreement, and that, in the exercise of the right of running steam railroad engines and cars as aforesaid, the Company's passenger cars and trains shall have precedence over all other trains, and the said steam railroad engines and cars shall be run so as to interfere as little as possible with the regular schedule traffic of the Company ; And provided also that no steam railroad engine and cars shall pass over any portion of the Company's road hereinbefore described except for the purpose of hauling coal for the use of the Commissioners or the Corporation or for bringing back the empty cars.

24. The Company further agree with the Commissioners and the Corporation that they will haul for the Commissioners and the Corporation, or either of them, coal, paving stone, broken stone, gravel, garbage, street sweepings or any other material from any point on their City or Springbank line to any other point on their City or Springbank line, for the price or sum of one dollar per full carload of ten tons capacity (and for larger or heavier loads in the same proportion), the cars for the purposes mentioned in this section to be provided by the Commissioners or the Corporation, and such cars shall be loaded and unloaded by the Commissioners or the Corporation ; or, at the option of the Commissioners and the Corporation, or either of them, the Company will, on request, load and unload the same at the actual cost price, and will deliver to the Commissioners and the Corporation, or either of them, whenever requested in writing so to do, a detailed statement in writing, duly verified of the actual cost, and will also haul, free of charge, between the said points the empty cars.

25. The Company further agree with the Commissioners and the Corporation that, for the purposes mentioned in the next preceding section hereof, the Company will, from time to time without unnecessary delay, on being requested so to do by the Commissioners or the Corporation, make, at the expense of the Commissioners or the Corporation, such extensions of their tracks and such connections by switches and sidings with the Company's track or tracks at any point or points on the Company's City or Springbank line as they may be so requested from time to time to make.

26. The Company, in so far as they have the power so to do, but to no other or greater extent, agree with the Corporation that the Corporation and their successors may, at their own risk as to any damages, if any, which may thereby be done to third parties, and at their own expense, from time to time, during the continuance of this agreement, make use of the Company's embankment on the low lying lands near the coves for the purpose of preventing the flooding of the said lands, and, for the purposes aforesaid, the Corporation shall have the right from time to time to strengthen and face the said embankment with timber or any other material, and to place and maintain, during the continuance of this agreement, stop logs or gates where the Company's line crosses the coves, but the Corporation shall be liable to the Company for all damages which may be caused to the embankment by reason of any of the acts of the Corporation done under the authority of this section.

27. That the Company shall be at liberty to give band concerts, fire works displays, and other attractions, which shall receive the sanction in writing of the Commissioners, upon the said Waterworks property, provided no charge is made to the public therefor, and provided also that all such precautions as the Commissioners may see fit from time to time to make with respect to the fireworks or other attractions, shall be complied with by the Company, their contractors, servants, agents and workmen.

28. That the Company shall be permitted to land at the dock of the Commissioners, and at such other place or places on the said property as the Commissioners from time to time may by resolution in writing permit, during the continuance of this agreement, such electric launches for the carriage of passengers as the Company may from time to time lease or own for the purpose of carrying passengers to and from the said Water works property, provided, however, that nothing herein contained shall require or compel the Commissioners to keep up the said dock, or any other dock or landing, nor shall the Commissioners or the Corporation or their successors or any of them be responsible or liable to any action for damages or otherwise for or by reason of any injury which any person or persons may sustain, suffer, or be put to for or by reason or on account of any use of the said dock or property, or by reason of the same not being kept up and maintained, or otherwise howsoever.

29. The Company further agree to and with the Commissioners and the Corporation that the Company will, during the continuance of this agreement, keep all the culverts and bridges and their right of way tracks and switches between the Grand Trunk Railway Company's line at the point mentioned in section 23 hereof, and the said coal sheds in the said section mentioned, in such a state of repair and condition as to permit from time to time the steam railroad locomotives and cars referred to in section 23 hereof, going to and returning from the said Waterworks property, as provided in the said section, for any of the purposes in the said section mentioned, to pass over the said culverts, bridges and right of way in safety.

30. The Company further agree with the Commissioners that the Company will from time to time, immediately upon being notified so to do by the Commissioners or their engineer for the time being, or superintendent or other person in charge of the said Waterworks property, remove all refuse, rubbish and other materials from the said property, brought or left there by any of the passengers of the Company, and dispose of the same to the satisfaction of the Commissioners (the decision of the said engineer or superintendent as to what refuse, rubbish or other materials were so brought to or left upon the said grounds shall be

final and conclusive) and, in the event of the Company neglecting or refusing to remove the said refuse, rubbish and other materials, or any portion thereof, from the said property, and to dispose of the same as hereinbefore provided, the Commissioners shall be at liberty to cause the same to be removed and so disposed of, and the cost of such removal and disposal shall be paid by the Company to the Commissioners on demand, and, in the event of the Company neglecting or refusing to pay the said moneys so expended as aforesaid within one month after such demand, the Commissioners and the Corporation may, by a resolution passed by a two-thirds vote of the Commissioners, and by a resolution passed by a two-thirds vote of all the members of the council of the Corporation, whilst the number of the members of the council remains as it is at present, namely, nineteen, or more than that number, and, in the event of the number of the members of the council being reduced below fifteen, then, by a resolution passed by a majority of all the members of the council, determine this agreement and thereupon all the rights and privileges hereby or by any subsequent agreement between the parties hereto granted to the Company shall cease, determine, and be at an end.

31. The Company further agrees with the Commissioners that the Company will haul for the Commissioners from time to time between the first day of May and the thirty-first day of October in each year during the continuance of this agreement, from the places hereinafter mentioned, to the coal sheds of the Commissioners on the said Waterworks property, such coal as the said Commissioners shall require and request the Company to haul for them, at the price or sum of twenty-five cents per ton, provided that, in the event of the Grand Trunk Railway Company's switch referred to in section 23 hereof, being put in, the coal so to be hauled as aforesaid shall thereafter be delivered to the Company upon the saidswitch or siding, provided also that until the said switch and siding are put in, as aforesaid, the coal so to be hauled as aforesaid shall be delivered to the Company, either upon the Company's switch at, or near their power house in the City of London, loaded in cars having automatic dump bottoms, or shall be delivered upon any other switch of the Grand Trunk Railway Company, or of any other company operating the lines of the Grand Trunk Railway Company in the said city, to be designated by the Company.

31*a*. The Company agree with the Commissioners and the Corporation, and each of them, that in laying their tracks and in performing the other work provided by this agreement to be done by them and in maintaining and operating their railway, they will, so far as is practicable so to do, employ residents of the city of London.

31*b*. The Company agree with the Commissioners and the Corporation that the Company will not, during the continuance of this agreement, charge or collect from any workman presenting to the conductor or other person in charge of a car, a certificate in writing signed by the said engineer, or by the city engineer for the time being, stating that such person is in the employment of the Corporation or the Commissioners, for a journey from the westerly limit of the City of London to the westerly terminus of the Company's said railway on the said Waterworks property or any other stopping place on the said Waterworks property, a greater sum than is provided by sub-section "*d*" of section 25 of the said By-law No. 916, for fares between the hours of 6.30 a. m. and 8 a. m. and between the hours of 5 and 6.30 p. m. and that the Company will not charge any such workman, for a journey from the said westerly terminus of their said railway on the said Waterworks property or any other stopping place on the said Waterworks property to the said westerly limit of the said city, a greater sum than is provided by sub-section "*d*" of section 25 of the said By-law, No. 916, for fares between the said hours of 6.30 a. m. and 8 a. m. and between the said hours 5 and 6.30 p. m. and that the Company will issue and sell, from time to time during the continuance of this agreement, to such of the said workmen as may desire to purchase the same and to the Commissioners and the Corporation, tickets to entitle such workmen as aforesaid to journeys on the cars as aforesaid, and the said workmen shall be entitled to travel on the said

trains and cars as aforesaid between the hours of 6.30 a. m. and 8 a.m. and between the hours of 5 and 6.30 p. m. on delivery of one of such tickets as aforesaid or on payment of a cash fare of five cents, as such workmen may elect.

32. It is further agreed by and between the parties hereto, that, in the event of the powers, rights, duties and privileges of the Commissioners, under *The London Waterworks Act, 1873*, and amending Acts, being determined under the provisions of section 5 of *The London Waterworks Amendment Act, 1878*, or any other Act or law, it shall not be necessary that there shall be any resolution by the Commissioners, or a majority of them as required by the 22nd and 30th sections of this agreement, or either of them; but the Council of the Corporation shall be at liberty to exercise any of the rights by the said sections conferred by resolution of the Council of the Corporation passed in the manner provided by the said sections, and, in such an event, the Council of the Corporation shall a so be invested with all the powers, rights and privileges which are by this agreement conferred upon or vested in the Commissioners, and shall be entitled to enforce all the agreements and covenants herein made by the Company with the Commissioners in the same manner as if the same had been made by the Company with the Corporation.

33 In the event of the Company failing or neglecting to faithfully fulfil and keep on their part, in any respect, at any time, the terms and conditions of this agreement, the Company shall pay to the Commissioners for every day after the fifth day in which any default or breach shall happen, as liquidated and ascertained damages, the sum of ten dollars, and, in case such breach of any of the said terms or conditions shall continue for the space of thirty days, whether consecutive or not, in any year (in reckoning the said thirty days parts of days shall be counted, and seventeen working hours, whether consecutive or not, and whether in the same twenty-four hours or not shall be counted as one day) the Corporation, by resolution of the Council thereof, or the Commissioners by a resolution may declare that all of the privileges and rights which the Company may have acquired by this or any other agreement hereafter made are at an end, and the said rights and privileges shall thereupon cease, and be at an end accordingly, and the said agreements rescinded, and, in such case, the Corporation or the Commissioners shall have the right to require all materials and obstructions placed upon or in the said property of the Corporation under any such agreement to be removed therefrom, and the said property to be put in as good condition and repair as it was before the said materials and obstructions were placed therein or thereon, and the expense thereof shall be paid to the Corporation or the Commissioners, whichever shall require or cause said materials or obstructions to be removed and the said property to be put in good condition and repair as aforesaid by the Company on demand, and the payment may be enforced in any Court of competent jurisdiction by the Commissioners or the Corporation against the Company.

34. It is further agreed by and between the parties hereto that, in the event of this agreement not being determined or cancelled before the eighth day of March A.D. 1925, the Company shall, within three months after the said eighth day of March A.D. 1925, at their own expense, remove from the said Waterworks property all materials and obstructions at any time placed by the Company therein or thereon and shall, within the said three months, put the said property in as good condition and repair as it was before the said materials and obstructions were placed therein or thereon and to the satisfaction of the Commissioners; and, in the event of the Company neglecting or failing to remove the said materials and obstructions within the time aforesaid, or to put the said property in the condition of repair aforesaid, the Commissioners or the Corporation shall have the right to require or cause all materials and obstructions at any time placed upon the said property by the Company under any such agreement to be removed therefrom, and the said property to be put in as good condition and repair as it was before the said materials and obstructions were placed therein or thereon, and the expense thereof shall be paid to the Commissioners or the Corporation, whichever shall require or cause

the said materials and obstructions to be removed and the said property to be put in good condition and repair as aforesaid, by the Company on demand, and the payment may be enforced in any Court of competent jurisdiction by the Commissioners or the Corporation against the Company.

35. In case the Company shall fail to do, to the satisfaction of the said engineer, any work or things which, by the terms of this agreement, they are to do, or, in case the Company shall fail to maintain or keep in a proper and sufficient state of repair, during the continuance of this agreement, the tracks of the said railway upon the said Waterworks property, or the fences, switches, sidings, crossings, gates, cattle guards and other works, or any of them, upon the said Waterworks property, then, in addition to all other remedies by this agreement provided or by law enforceable against the Company, the said engineer may give written notice to the Company (which may be served by leaving the same at the office of the Company in the City of London, or by mailing the same by registered letter addressed to the Company at the said City of London) specifying in general terms the nature of the work or thing which the Company has failed to do, or the approximate locality of any such want of maintenance or repair, and, if the Company shall not, within seven days thereafter, have done such work or thing, or put in proper condition and repair such tracks, fences, switches, sidings, crossings, gates, cattle guards or other works upon the said Waterworks property, to the satisfaction of the said Engineer, then such work or thing may be done, and such repairs may be made by the Commissioners, or the Corporation, or the Council thereof, at the expense of the Company, and the amount so expended may be recovered from the Company in any court of competent jurisdiction, and in case of the failure of the Company to pay the same for the period of one month after the recovery of a judgment for any amount, all rights and privileges hereby, or by any subsequent agreement between the parties hereto granted to the Company shall cease, determine and be at an end : Provided that such delay shall not relieve the Company in any case from their liability, under the provisions of this agreement, to indemnify the Corporation and Commissioners against loss or damage arising from the default or neglect of the Company, to do the work or thing, or make the repair, or maintain the work, in respect of which such notice shall be given.

35*a*. Wherever the words "engineer" or "said engineer" are used in this agreement, they shall mean the engineer for the time being of the Commissioners, and wherever the words "the Superintendent" are used in this agreement, they shall mean the Superintendent for the time being of the Commissioners, and, in the event of the powers, rights, duties and privileges of the Commissioners under *The London Waterworks Act, 1873* and amending Acts, being determined under the provisions of section 5 of *The London Waterworks Amendment Act, 1878*, or any other Act or law, the said words "engineer" and "said engineer" shall, after such determination, mean the Engineer of the Corporation for the time being, and the said words "the superintendent" shall mean the street commissioner of the Corporation for the time being, or other officer performing the duties now performed by the street commissioner.

36. If the Company shall fail or neglect to keep, observe, perform or comply with any of the provisions of this agreement on their part, in which the residents of the City of London or the Commissioners or the Corporation are interested ; then, in addition to all other remedies hereby provided or by law enforceable against the Company, the Corporation or the Commissioners may bring an action in the High Court of Justice or other Court of competent jurisdiction against the Company, and all other necessary parties (if any) to compel the keeping, observing, performing of and complying with such provisions by the Company, and the Court shall have full power and jurisdiction in the premises and to enforce, by injunction or otherwise, the due observance, performance and fulfilment by the Company and its officers of all the provisions of this agreement in which the residents of the City of London or the Commissioners or the Corporation are interested.

37. It is further agreed by and between the parties hereto that, in the event of the rights and privileges granted to the Company by the Corporation, by By-law No. 916 of the Corporation, passed on the twenty-first

day of May, A.D. 1895, or the agreement relating thereto, or by any other by-law of the Corporation or agreement between the Corporation and the Company, being determined before the eighth day of March, A.D. 1925, this agreement shall immediately, upon the determination of the said rights and privileges of the Company, cease, determine and be at an end.

38. There may be an appeal to the Commissioners, and in the event of the office of the Commissioners being abolished, as mentioned in section 32 hereof, there may, after such office is abolished, be an appeal to the council of the Corporation with regard to the said engineer's decision as to the best modern practice mentioned in section 4 hereof, as to the best modern means mentioned in section 9 hereof, and as to the most improved safeguards and means to prevent accidents and injury mentioned in section 11 hereof. Notice of such appeal must be given within five days from the decision appealed from, and such notice shall be served on the opposite party at least two weeks before the meeting of the Commissioners, or Council, as the case may be, at which the appeal is to be heard, and the decision of the Commissioners or Council, as the case may be, shall be final and conclusive.

39. The Corporation and the Commissioners will join with the Company in applying to the Legislature of the Province of Ontario at its next session for legislation confirming and ratifying this agreement and declaring the same to be valid and binding upon the parties hereto, all expenses in connection with the procuring of such legislation to be borne and paid by the Company, provided that the Act of the Legislature so confirming and ratifying the said agreement shall contain, as a section thereof, the words following or to the like effect:—"If the Company shall fail or neglect to keep, observe, perform or comply with any of the provisions of this agreement on their part, in which the residents of the City of London, or the Commissioners or the Corporation are interested, then, in addition to all other remedies hereby provided, or by law enforceable against the Company, the Corporation or the Commissioners may bring an action in the High Court of Justice or other Court of competent jurisdiction, against the Company and all other necessary parties (if any) to compel the keeping, observing, performing of and complying with such provisions by the Company, and the Court shall have full power and jurisdiction in the premises, and to enforce by injunction or otherwise, the due observance, performance and fulfilment by the Company and its officers of all the provisions of this agreement in which the residents of the City of London, or the Commissioners or the Corporation are interested."

40. Nothing in this agreement contained shall in any way impair, prejudice or affect the rights and privileges of the Commissioners conferred by or contained in *The London Waterworks Act, 1873*, *The London Waterworks Amendment Act, 1878*, or any Act, now or hereafter, amending the same.

41. And it is hereby declared and agreed that the expressions "the Company," "the Commissioners" and "the Corporation," wherever used in this Indenture, shall, where the context allows, include and be binding not only upon the said, The London Street Railway Company, The Water Commissioners for the City of London, and the Corporation of the City of London, the parties hereto, but also on their respective successors and assigns.

In witness whereof the parties hereto have caused to be affixed their Corporate Seals and the Chairman of the Commissioners, the President of the Company, and the Mayor of the Corporation have set their hands the day and year first above written.

Signed, sealed and delivered in the presence of

(Signed) CHARLES CURRIE.

(Signed) JOSEPH C. JUDD, Chairman.	Corporate Seal of Commissioners.
(Signed) J. W. LITTLE, Mayor.	Corporate Seal of City.
(Signed) H. A. EVERETT, Pres. London Street Railway Company.	Corporate Seal of Street Ry. Co.

No. 27.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting The London Street Railway Company.

First Reading, 9th March, 1897.

(Reprinted as amended by Private Bills Committee.)

Mr. HOBBS.

TORONTO.
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No. 28.] **BILL** [1897.

An Act respecting By-laws Nos. 1458, 1628, and 1707, of the City of Ottawa.

Preamble.

WHEREAS the Pontiac Pacific Junction Railway Company, hereinafter called "the Company," and the municipal corporation of the city of Ottawa, hereinafter called "the Corporation," have by their petitions prayed that an Act may be passed to ratify, confirm and legalize a by-law of the municipal corporation of the city of Ottawa passed on the 21st day of December, 1896, intitutled "By-law No. 1707; to extend the time for compliance by the Pontiac Pacific Junction Railway Company with conditions contained in a by-law of the municipal corporation of the city of Ottawa intitutled By-law No. 1458, a by-law to provide for aiding and assisting the Pontiac Pacific Junction Railway Compay by granting to the said company the sum of one hundred and fifty thousand dollars by way of a bonus of the corporation of the city of Ottawa and to authorize the levying of a special rate by the said corporation for the payment of the said debentures and interest," and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:-

By-law No. 1797 of Ottawa confirmed (Pontiac Pacific Junction Railway Company extension of time.)

1. The said by-law numbered 1707 of the municipal corporation of the city of Ottawa, intituled as in the preamble to this Act is recited, and a true copy of which said by-law is set forth in the schedule A to this Act, is hereby declared to be valid, legal and binding upon the said municipal corporation and the ratepayers of the city to all intents and purposes although the assent of the ratepayers of the said city has not been obtained thereto, and it is hereby declared and enacted that the said municipal council had, at the time of the passing of

said by-law, full power and authority to extend by by-law the periods within which the sum of fifty thousand dollars referred to in the said by-law was to have been expended by the company on the bridge works mentioned in the said by-law, and within which the said bridge works were to be completed as in the said by-law mentioned to the 15th day of March, 1898 and 9th day of September, 1900, respectively, and had also full power and authority at the time of the passing of the said by-law to substitute by by-law the other dates, and otherwise to enact as is set forth in the said by-law.

Extension of time limited under former by-laws.

2. Nothwithstanding anything contained in any Act of the Legislature of the Province of Ontario, in the said by-law numbered 1458, set out in schedule B to the Act of the Legislature of the Province of Ontario passed in the 59th year of Her Majesty's reign, chaptered 87, or in another by-law of the municipal corporation of the said city of Ottawa numbered 1628 and set out in schedule A to said last mentioned Act, or in any other by-law of the city of Ottawa, or in a certain agreement, set out in schedule C to said Act between the company and the corporation, dated 14th day of December, 1893, respecting said bonus, the periods limited in said by-laws numbers 1458 and 1628 and in said agreement within which the said company was to expend upon said bridge works as therein mentioned the sum of fifty thousand dollars, is hereby declared to have been duly extended until the 15th day of March, 1898, and the period limited by said by-laws numbers 1458 and 1628 and said agreement for the completion of said bridge works is hereby declared to be duly extended until the 9th day of September, 1900, any debentures that may be issued pursuant to the said three by-laws, or any of them, and to said agreement are, as provided in said by-law numbered 1707 to bear date the 8th day of January, 1898, instead of the 8th day of January, 1894, as in said by-law 1458 and said agreement is provided, and instead of the 8th day of January, 1896, as in said by-law numbered 1628 and said Act last mentioned is provided.

Former by-laws and agreements to be binding subject to amendments herein made.

3. Subject to the extensions of time and the change of dates in the foregoing section of this Act, and of said by-law numbered 1707, provided for, the said by laws numbers 1458 and 1628 and the said agreement are hereby declared to be in full force and effect and binding to all intents and purposes upon the city and the corporation, and upon all the ratepayers of the said city, and in the same manner and with the same effect as if the said extended periods and substituted dates had been contained in the said by-law numbered 1458 and the said agreement respectively when they were enacted or entered respectively instead of those actually mentioned therein.

4. It is hereby further declared that any debentures that may be issued by the corporation of the city of Ottawa in pursuance of said by-laws numbers 1458, 1628 and 1707, or of any of them, shall be valid, legal and binding upon the said corporation and upon the ratepayers of the said city notwithstanding anything contained in said agreement or in said by-laws numbers 1458 or 1628, or in the said Act last mentioned, or in any other Act of the Legislature of the Province of Ontario.

Debentures issued in aid of P. P. J. Railway Co. confirmed.

SCHEDULE A.

By-law No. 1707.

To extend the time for compliance by the Pacific Junction Railway Company with the conditions contained in a by-law of the municipal corporation of the city of Ottawa entitled "By-law No. 1458, A By-law to provide for aiding and assisting the Pontiac Pacific Junction Railway Company by granting to the said company the sum of one hundred and fifty thousand dollars by way of a bonus in debentures of the corporation of the city of Ottawa, and to authorize the levying of a special rate by the said corporation for the payment of said debentures and interest"

Whereas, By-law No. 1458 of this municipality was passed on the 8th day of January, 1894, providing that the said municipal corporation might grant by way of bonus to the Pontiac Pacific Junction Railway Company toward the construction of its railway between the city of Ottawa and the town of Pembroke, $150,000 in debentures upon the conditions mentioned in said by-law and in an agreement in writing dated 14th December, 1893, made between said municipality and the said railway company;

And whereas, amongst other conditions in said by-law and agreement, or in one or other of them contained, it is provided that said railway company should only be entitled to said bonus and debentures upon the completion of an inter-provincial railway and highway bridge, including a carriage and footway, across the Ottawa River, connecting the city of Hull with Nepean Point in the city of Ottawa, with proper approaches thereto, on or before the 9th day of July, 1897, to the satisfaction of the engineers mentioned in said by-law; and also that the said company should, within six months from 1st January, 1894, submit to the chief engineer of the city of Ottawa and to the chief engineer of railways of the Government of the Dominion of Canada, as well as the chief engineers of the Governments of Ontario and Quebec respectively, for approval plans, specifications and designs providing for the erection of said bridge;

And whereas, it was also a condition of the granting of said bonus that the said company should and would, on or before the 15th October, 1895, expend the sum of $50,000 on the actual construction of the said bridge and approaches and in supplying the material therefor at the works; also that a strict compliance with the provisions of said by-law and said agreement should be a condition precedent to the right of said company to said debentures, and that in the event of said company failing to comply with said provisions the said company should become disentitled to said debentures and said by law should become null and void and of no force or effect;

And whereas, the said company, in order to assist it in raising the necessary capital to construct said bridge, applied, after the passing of said by-law, to the Governments of the Dominion and of the Provinces of Ontario and Quebec for financial aid;

And whereas, the Government of the Dominion, whilst encouraging the company to renew its application therefor, had not prior to the 3rd Decem-

ber, 1895, promised to recommend the granting of any such subsidy, and it appearing that without substantial aid from the Dominion Government it would be impracticable to secure the construction of said bridge, the council of the corporation of the city of Ottawa, on the application of the company, in so far as said council had power so to do, by its by-law No. 1628, passed on the 3rd day of December, 1895, extended the time limited in said by-law No. 1458 and in said agreement of 14th December, 1893, for the expenditure by the said railway company of the said sum of $50,000 in the actual construction of the said bridge and approaches and the supplying materials therefor at the works, to the 15th day of December, 1896, and extended the period limited in said by-law and agreement for the construction of said bridge works to the 9th day of September, 1898, and changed the date which said debentures were to bear from 8th January, 1894, under said by-law No. 1458 to 8th January, 1896, and declared said by-law last mentioned and said agreement, subject to said changes of dates, to be in full force and as binding as if said new dates had been those mentioned in said by-law No. 1458 and said agreement;

And whereas, the said by-law No. 1628 and the provisions thereof were duly ratified and confirmed by an Act of the Legislature of the Province of Ontario, being Chapter 87 of 59 Victoria, entitled "An Act respecting By-laws Nos. 1458 and 1628 of the City of Ottawa";

And whereas no subsidy or aid has yet been voted by the Parliament of Canada towards the building of said bridge, but there is reason to believe that the government of the Dominion will, at the next session of Parliament, recommend Parliament to grant substantial aid to the said object;

And whereas the said railway company has long since duly complied with the condition above recited as to the submission to the several engineers above mentioned of the plans, specifications and designs above mentioned of said bridge;

And whereas, owing to the failure of the company to get assistance last session from the Parliament of Canada, the company has been unable to comply with the provisions of said by-laws and agreement requiring the expenditure of $50,000 before the 15th day of December, 1896, as above recited, and will be unable on or before the 9th day of September, 1898, to complete the said bridge;

And whereas, the said company duly applied to the municipal council of the city of Ottawa to have it declared that the said by-law No. 1458 and said agreement are still in force and to extend the periods respectively limited in said by-laws and agreement for making such expenditure of $50,000 until the 15th day of March, 1898, and for the purpose of completing the said bridge until the 9th day of September, 1900;

And whereas, the said municipal council has consented to grant such application in so far as it has power to do so;

Therefore, the municipal council of the city of Ottawa enacts as follows:—

Notwithstanding anything contained in said by-law No. 1458 or in said by-law No. 1628, or in the said agreement dated 14th December, 1893, or in said Act of the Legislature of the Province of Ontario, 59 Victoria, Chapter 87, and notwithstanding that the Pontiac Pacific Junction Railway Company has not expended on or before the 15th day of December, 1896, the sum of $50,000 on the actual construction of said bridge and approaches and the supplying the material therefor at the works, but so far only as this council has power so to do, the period limited in said by-laws and agreement for the expenditure by said railway company of said sum of $50,000 for the purpose aforesaid is hereby extended to the 15th day of March, 1898, the period limited in said by-laws and agreement for the completion of said bridge works is hereby extended to the 9th day of September, 1900, and the date which the said debentures are to bear is hereby changed to the 8th day of January, 1898, and subject to such changes of dates and extensions of time the said by-law No. 1458 and

the said agreement dated the 14th day of December, 1893, are, and each of them is, hereby declared to be in full force and effect and binding upon the municipality of the city of Ottawa and upon the said company in the same way and to the same extent as if the said dates, 15th March, 1898, 9th September, 1900, and 8th January, 1898, for the making of said expenditure of $50,000, for the completion of said works and for the date of said debentures, respectively, had been specified in said by-law No. 1458 and in said agreement instead of the dates actually specified therein for the said purposes.

Given under the corporate seal of the city of Ottawa this 21st day of December, 1896.

(Sgd.) W. BORTHWICK,
Mayor.
(Sgd.) JOHN HENDERSON,
City Clerk.

Seal of the City of Ottawa.

Province of Ontario, City of Ottawa, To Wit : } I, Alexander Ferguson, of the City of Ottawa, in the Province of Ontario, Esquire, a Notary Public in and for the Province of Ontario, do hereby certify :—

That the above schedule "A" is a true copy of By-law No. 1707, passed by the Municipal Corporation of the city of Ottawa on the 21st day of December, 1896.

Given under my hand and seal of office at the said City of Ottawa this 23rd day of February, 1897.

ALEX. FERGUSON,
a Notary Public in and for the Province of Ontario.

Seal.

No. 28.

3rd Session 8th Legislature 60 Vict., 1897.

BILL.

An Act respecting By-laws Nos 1458, 1628, and 1707, of the City of Ottawa.

First Reading, 1897

(Private Bill.)

Mr. BRONSON.

TORONTO,
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 28] **BILL.** [1897.

An Act respecting By-laws Nos. 1458, 1628, and 1707, of the City of Ottawa.

Preamble.

WHEREAS the Pontiac Pacific Junction Railway Company, hereinafter called "the Company," and the municipal corporation of the city of Ottawa, hereinafter called "the Corporation," have by their petitions prayed that an Act may be passed to ratify, confirm and legalize a by-law of the municipal corporation of the city of Ottawa passed on the 21st day of December, 1896, intitutled "By-law No. 1707; to extend the "time for compliance by the Pontiac Pacific Junction Railway "Company with the conditions contained in a by-law of the "municipal corporation of the city of Ottawa intitutled By-law "No. 1458, a by-law to provide for aiding and assisting the "Pontiac Pacific Junction Railway Compay by granting to the "said company the sum of one hundred and fifty thousand "dollars by way of a bonus in debentures of the corporation "of the city of Ottawa and to authorize the levying of a "special rate by the said corporation for the payment of the "said debentures and interest," and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 1797 of Ottawa confirmed (Pontiac Pacific Junction Railway Company extension of time.)

1. The said by-law numbered 1707 of the municipal corporation of the city of Ottawa, intituled as in the preamble to this Act is recited, and a true copy of which said by-law is set forth in the schedule A to this Act, is hereby declared to be valid, legal and binding upon the said municipal corporation and the ratepayers of the said city to all intents and purposes although the assent of the ratepayers of the said city has not been obtained thereto, and it is hereby declared and enacted that the said municipal council had, at the time of the passing of

said by-law, full power and authority to extend by by-law the periods within which the sum of fifty thousand dollars referred to in the said by-law was to have been expended by the company on the bridge works mentioned in the said by-law, and within which the said bridge works were to be completed as in the said by-law mentioned to the 15th day of March, 1898, and 9th day of September, 1900, respectively, and had also full power and authority at the time of the passing of the said by-law to substitute by by-law the other dates, and otherwise to enact as is set forth in the said by-law.

Extension of time limited under former by-laws.

2. Notwithstanding anything contained in any Act of the Legislature of the Province of Ontario, or in the said by-law numbered 1458, set out in schedule B to the Act of the Legislature of the Province of Ontario passed in the 59th year of Her Majesty's reign, chaptered 87, or in another by-law of the municipal corporation of the said city of Ottawa numbered 1628 and set out in schedule A to said last mentioned Act, or in any other by-law of the city of Ottawa, or in a certain agreement, set out in schedule C to said Act between the company and the corporation, dated 14th day of December, 1893, respecting said bonus, the periods limited in said by-laws numbers 1458 and 1628 and in said agreement within which the said company was to expend upon said bridge works as therein mentioned the sum of fifty thousand dollars, are hereby declared to have been duly extended until the 15th day of March, 1898, and the periods limited by said by-laws numbers 1458 and 1628 and said agreement for the completion of said bridge works are hereby declared to be duly extended until the 9th day of September, 1900, and any debentures that may be issued pursuant to the said three by-laws, or any of them, and to said agreement are, as provided in said by-law numbered 1707 to bear date the 8th day of January, 1898, instead of the 8th day of January, 1894, as in said by-law numbered 1458 and said agreement is provided, and instead of the 8th day of January, 1896, as in said by-law numbered 1628 and said Act last mentioned is provided.

Former by-laws and agreements to be binding subject to amendments herein made.

3. Subject to the extensions of time and the change of dates in the foregoing section of this Act, and of said by-law numbered 1707, provided for, the said by-laws numbers 1458 and 1628 and the said agreement are hereby declared to be in full force and effect and binding to all intents and purposes upon the said city and the said corporation, and upon all the ratepayers of the said city, and in the same manner and with the same effect as if the said extended periods and substituted dates had been contained in the said by-law numbered 1458 and the said agreement respectively when they were enacted or entered *into* respectively instead of those actually mentioned therein.

SCHEDULE A.

By-law No. 1707.

To extend the time for compliance by the Pacific Junction Railway Company with the conditions contained in a by-law of the municipal corporation of the city of Ottawa entitled "By-law No. 1458, A By-law to provide for aiding and assisting the Pontiac Pacific Junction Railway Company by granting to the said company the sum of one hundred and fifty thousand dollars by way of a bonus in debentures of the corporation of the city of Ottawa, and to authorize the levying of a special rate by the said corporation for the payment of said debentures and interest."

Whereas, By-law No. 1458 of this municipality was passed on the 8th day of January, 1894, providing that the said municipal corporation might grant by way of bonus to the Pontiac Pacific Junction Railway Company toward the construction of its railway between the city of Ottawa and the town of Pembroke, $150,000 in debentures upon the conditions mentioned in said by-law and in an agreement in writing dated 14th December, 1893, made between said municipality and the said railway company ;

And whereas, amongst other conditions in said by-law and agreement, or in one or other of them contained, it is provided that said railway company should only be entitled to said bonus and debentures upon the completion of an inter-provincial railway and highway bridge, including a carriage and footway, across the Ottawa River, connecting the city of Hull with Nepean Point in the city of Ottawa, with proper approaches thereto, on or before the 9th day of July, 1897, to the satisfaction of the engineers mentioned in said by-law ; and also that the said company should, within six months from 1st January, 1894, submit to the chief engineer of the city of Ottawa and to the chief engineer of railways of the Government of the Dominion of Canada, as well as the chief engineers of the Governments of Ontario and Quebec respectively, for approval plans, specifications and designs providing for the erection of said bridge ;

And whereas, it was also a condition of the granting of said bonus that the said company should and would, on or before the 15th October, 1895, expend the sum of $50,000 on the actual construction of the said bridge and approaches and in supplying the material therefor at the works ; also that a strict compliance with the provisions of said by-law and said agreement should be a condition precedent to the right of said company to said debentures, and that in the event of said company failing to comply with said provisions the said company should become disentitled to said debentures and said by-law should become null and void and of no force or effect ;

And whereas, the said company, in order to assist it in raising the necessary capital to construct said bridge, applied, after the passing of said by-law, to the Governments of the Dominion and of the Provinces of Ontario and Quebec for financial aid ;

And whereas, the Government of the Dominion, whilst encouraging the company to renew its application therefor, had not prior to the 3rd Decem-

ber, 1895, promised to recommend the granting of any such subsidy, and it appearing that without substantial aid from the Dominion Government it would be impracticable to secure the construction of said bridge, the council of the corporation of the city of Ottawa, on the application of the company, in so far as said council had power so to do, by its by-law No. 1628, passed on the 3rd day of December, 1895, extended the time limited in said by-law No. 1458 and in said agreement of 14th December, 1893, for the expenditure by the said railway company of the said sum of $50,000 in the actual construction of the said bridge and approaches and the supplying materials therefor at the works, to the 15th day of December, 1896, and extended the period limited in said by-law and agreement for the construction of said bridge works to the 9th day of September, 1898, and changed the date which said debentures were to bear from 8th January, 1894, under said by-law No. 1458 to 8th January, 1896, and declared said by-law last mentioned and said agreement, subject to said changes of dates, to be in full force and as binding as if said new dates had been those mentioned in said by-law No. 1458 and said agreement;

And whereas, the said by-law No. 1628 and the provisions thereof were duly ratified and confirmed by an Act of the Legislature of the Province of Ontario, being Chapter 87 of 59 Victoria, entitled "An Act respecting By-laws Nos. 1458 and 1628 of the City of Ottawa";

And whereas no subsidy or aid has yet been voted by the Parliament of Canada towards the building of said bridge, but there is reason to believe that the government of the Dominion will, at the next session of Parliament, recommend Parliament to grant substantial aid to the said object;

And whereas the said railway company has long since duly complied with the condition above recited as to the submission to the several engineers above mentioned of the plans, specifications and designs above mentioned of said bridge;

And whereas, owing to the failure of the company to get assistance last session from the Parliament of Canada, the company has been unable to comply with the provisions of said by-laws and agreement requiring the expenditure of $50,000 before the 15th day of December, 1896, as above recited, and will be unable on or before the 9th day of September, 1898, to complete the said bridge;

And whereas, the said company duly applied to the municipal council of the city of Ottawa to have it declared that the said by-law No. 1458 and said agreement are still in force and to extend the periods respectively limited in said by-laws and agreement for making such expenditure of $50,000 until the 15th day of March, 1898, and for the purpose of completing the said bridge until the 9th day of September, 1900;

And whereas, the said municipal council has consented to grant such application in so far as it has power to do so;

Therefore, the municipal council of the city of Ottawa enacts as follows:—

Notwithstanding anything contained in said by-law No. 1458 or in said by-law No. 1628, or in the said agreement dated 14th December, 1893, or in said Act of the Legislature of the Province of Ontario, 59 Victoria, Chapter 87, and notwithstanding that the Pontiac Pacific Junction Railway Company has not expended on or before the 15th day of December, 1896, the sum of $50,000 on the actual construction of said bridge and approaches and the supplying the material therefor at the works, but so far only as this council has power so to do, the period limited in said by-laws and agreement for the expenditure by said railway company of said sum of $50,000 for the purpose aforesaid is hereby extended to the 15th day of March, 1898, the period limited in said by-laws and agreement for the completion of said bridge works is hereby extended to the 9th day of September, 1900, and the date which the said debentures are to bear is hereby changed to the 8th day of January, 1898, and subject to such changes of dates and extensions of time the said by-law No. 1458 and

the said agreement dated the 14th day of December, 1893, are, and each of them is, hereby declared to be in full force and effect and binding upon the municipality of the city of Ottawa and upon the said company in the same way and to the same extent as if the said dates, 15th March, 1898, 9th September, 1900, and 8th January, 1898, for the making of said expenditure of $50,000, for the completion of said works and for the date of said debentures, respectively, had been specified in said by-law No. 1458 and in said agreement instead of the dates actually specified therein for the said purposes.

Given under the corporate seal of the city of Ottawa this 21st day of December, 1896.

(Sgd.) W. Borthwick,
Mayor.

(Sgd.) John Henderson,
City Clerk.

Seal of the City of Ottawa.

No. 28.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting By-laws Nos. 1458, 1628, and 1707, of the City of Ottawa.

First Reading, 10th March, 1897.

(Reprinted as amended by Private Bills Committee.)

Mr. BRONSON.

TORONTO,
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 29.] BILL. [1897

An Act respecting the Kingston, Smith's Falls and Ottawa Railway Company.

Preamble.

WHEREAS certain municipalities hereinafter referred to have by by-laws in that behalf granted aid by way of bonus to the Kingston, Smith's Falls and Ottawa Railway Company; and whereas the said company has petitioned that the said by-laws may be confirmed, and has also petitioned for the other provisions hereinafter enacted by this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws of Village of Merrickville and Townships of Bastard, South Burgess and North Gower confirmed.

1. The by-laws of the village of Merrickville and of the townships of Bastard, South Burgess, and North Gower, granting aid by way of bonus to the Kingston, Smith's Falls and Ottawa Railway Company, and all debentures issued, or that may be hereafter issued thereunder, are hereby confirmed and declared valid and binding upon the said municipalities respectively, and no irregularity affecting the said by-laws or debentures shall be allowed as a defence to any action brought against any of the said municipalities in relation to the said debentures respectively or any part thereof.

Neglect to comply with Municipal Act on the part of Council not to invalidate bonus.

2. Where the council of any municipality which has heretofore granted aid by way of bonus to the said railway company has omitted or delayed to comply with any of the conditions or requirements of the said by-law, or of *The Consolidated Municipal Act, 1892*, under the authority of which it has been passed, or of any other Act of this Province, such bonus shall not be invalid or lapse by reason of such irregularity, but shall be operative and binding upon the said municipality,

which, notwithstanding such omission or delay, is hereby authorized to comply *nunc pro tunc* with all such requirements of such by-laws and Acts, and the period limited by such by-law for the completion of the railway shall have a corresponding extension from the date of such compliance.

Postponing issue of debentures and levying of bonus by consent.

3. The council of any municipality which has granted aid by way of bonus to the said railway company may, with the consent of the said railway company, by resolution or by-law, delay the issue of the debentures authorized by the by-law granting such bonus, and the levy and collection of all assessments or rates, to be imposed to provide for the payment of such debentures, shall then be made to conform with such delay, notwithstanding the terms of the said by-law granting such bonus, and all resolutions or by-laws of any such municipalities authorizing such delays in the issue of the said debentures are hereby confirmed and declared to be legal and binding on such municipalities.

Extension of time for commencement and completion of work by agreement.

4. Notwithstanding the provisions of sections twelve and thirteen of the Act passed in the fifty-sixth year of Her Majesty's reign, chaptered 92, it shall be lawful for the council of any municipality which has granted, or may hereafter grant, aid by way of bonus to the said railway company to extend from time to time, by resolution or by-law, for periods not exceeding three years, the time for commencement or completion, as the case may be, of the work, beyond that stipulated in section 17 of the said Act or in the by-law or by-laws granting such aid, and notwithstanding that the said time so stipulated for such commencement or completion of the work or any extension of such time may heretofore or at any time hereafter have expired.

Extension heretofore granted confirmed.

5. All extensions of time for the commencement or completion of the said works heretofore granted by resolution or by-law of the council of any municipality which has given aid by way of bonus to the said railway company are hereby confirmed, and declared to be legal and binding on such municipality.

Dating debentures.

6. All debentures authorized or which may be authorized to be issued to the said railway company under any municipal by-law, notwithstanding anything contained in any such by-law, may be issued and dated as of the first day of January or July prior to the time when the company shall become entitled thereto.

No. 29.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Kingston, Smith's Falls and Ottawa Railway Company.

First Reading, 1897.

(Private Bill,)

Mr. O'KEEFE.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 29.] **BILL.** [1897

An Act respecting the Kingston, Smith's Falls and Ottawa Railway Company.

Preamble.

WHEREAS certain municipalities hereinafter referred to have by by-laws in that behalf granted aid by way of bonus to the Kingston, Smith's Falls and Ottawa Railway Company; and whereas the said company has petitioned that the said by-laws may be confirmed, and has also petitioned for the other provisions hereinafter enacted by this Act; and whereas the dates and other particulars of the said by-laws are set forth in the schedule annexed to this Act and duly certified copies of the said several by-laws have been filed in the office of the Provincial Secretary; and whereas the said by-laws or some of them have not been acted upon by the issuing of debentures and the levying and collection of assessments or rates thereunder, and it is expedient now to provide for so doing notwithstanding the lapse of time since the said by-laws were passed; and whereas extensions of time for the commencing and completion of the said railway have been granted under and pursuant to the provisions of sections 12 and 13 of the Act passed in the 56th year of Her Majesty's reign, chaptered 92; and whereas it is desirable to confirm such by-laws and extensions and to give power to grant further extensions; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws of Village of Merrickville and Townships of

1. The by-laws of the village of Merrickville and of the township of Bastard *and* South Burgess, and *the township of* North Gower, granting aid by way of bonus to the Kingston, Smith's Falls and Ottawa Railway Company, and all debentures issued,

Bastard, South Burgess and North Gower confirmed.

or that may be hereafter issued thereunder, are hereby confirmed and declared valid and binding upon the said municipalities respectively, and no irregularity affecting the said by-laws or debentures shall be allowed as a defence to any action brought against any of the said municipalities in relation to the said debentures respectively or any part thereof.

Neglect to comply with Municipal Act on the part of Council not to invalidate bonus.

2. Where the council of any municipality which has heretofore granted aid by way of bonus to the said railway company has omitted or delayed to comply with any of the conditions or requirements of the said by-law, or of *The Consolidated Municipal Act, 1892*, under the authority of which it has been passed, or of any other Act of this Province, such bonus shall not be invalid or lapse by reason of such irregularity, but shall be operative and binding upon the said municipality, which, notwithstanding such omission or delay, is hereby authorized to comply *nunc pro tunc* with all such requirements of such by-laws and Acts, and the period limited by such by-law for the completion of the railway shall have a corresponding extension from the date of such compliance.

Postponing issue of debentures and levying of bonus by consent.

3. The council of any municipality which has granted aid by way of bonus to the said railway company may, with the consent of the said railway company, by resolution or by-law, delay the issue of the debentures authorized by the by-law granting such bonus, and the levy and collection of all assessments or rates, to be imposed to provide for the payment of such debentures, shall then be made to conform with such delay, notwithstanding the terms of the said by-law granting such bonus, and all resolutions or by-laws of any such municipalities authorizing such delays in the issue of the said debentures are hereby confirmed and declared to be legal and binding on such municipalities.

Extension of time for commencement and completion of work by agreement.

4. Notwithstanding the provisions of sections twelve and thirteen of the Act passed in the fifty-sixth year of Her Majesty's reign, chaptered 92, it shall be lawful for the council of any municipality which has granted, or may hereafter grant, aid by way of bonus to the said railway company to extend from time to time, by by-law *in that behalf*, for periods not exceeding three years, the time for commencement or completion, as the case may be, of the work, beyond that stipulated in section 17 of the said Act or in the by-law or by-laws granting such aid, and notwithstanding that the said time so stipulated for such commencement or completion of the work or any extension of such time may heretofore or at any time hereafter have expired: provided that no by-law which shall be passed by the council of the municipality of the city of Kingston pursuant to the provisions of this section, or to said sections 12 and 13 of the said chapter 92, shall be valid unless and until the same shall have received the assent of the electors as provided in the case of a by-law granting a bonus

in aid of a railway, and all the provisions of *The Consolidated Municipal Act* applicable to the submission of a railway bonus by-law to the electors shall apply to the submission of such by-law to the electors of the said municipality of the said city of Kingston, such submission, however, to be made only on the application of the said railway company.

Extension heretofore granted confirmed.

5. All extensions of time for the commencement or completion of the said works heretofore granted by resolution or by-law of the council of any municipality which has given aid by way of bonus to the said railway company are hereby confirmed, and declared to be legal and binding on such municipality.

Dating debentures.

6. All debentures authorized or which may be authorized to be issued to the said railway company under any municipal by-law, notwithstanding anything contained in any such by-law, may be issued and dated as of the first day of January or July prior to the time when the company shall become entitled thereto.

SCHEDULE.

1. By-law of Village of Merrickville authorizing a bonus of $10,000 conditional on the company completing and commencing to operate its road from Kingston to Ottawa not later than 1st January, 1898. Assented to by vote of electors on 24th March, 1894.

2. By-law of Township of Bastard and South Burgess authorizing on behalf of South Burgess and a specified part of Bastard a bonus of $7,500 conditional on the company completing and commencing to operate its road from Kingston to Smith's Falls before 1st January, 1898. Assented to by vote of electors on 20th March, 1894.

3. By-law of Township of North Gower authorizing a bonus of $15,000, conditional on the company completing and commencing to operate its line of railway from Ottawa to Kingston before 1st January, 1898. Assented to by vote of electors on 2nd November, 1893.

4. By-law of Township of North Gower authorizing, on behalf of a specified section thereof at and near the Village of Manotick, a bonus of $3,000, conditional on the company completing and commencing to operate its line of railway from Kingston to Ottawa before 1st January, 1898. Assented to by vote of electors on 2nd November, 1893.

5. By-law of the Township of North Gower authorizing, on behalf of a specified section thereof at and near North Gower Village, a bonus of $2,000, conditional on the company completing and commencing to operate its line of railway from Kingston to Ottawa before 1st January, 1898. Assented to by vote of electors on 2nd November, 1893.

6. By-law of the City of Kingston confirmed and amended by cap. 92 of 56 Victoria, authorizing a bonus of $150,000, payable by instalments as therein provided, the said railway to be completed from Kingston to Smith's Falls by 31st December, 1897.

7. By-law of the Town of Smith's Falls, confirmed by cap. 92 of 56 Victoria, authorizing a bonus of $25,000, conditional on the said railway being completed between Kingston and Smith's Falls by the 31st December, 1894, which time has been since extended under the said Act.

8. By-law of the City of Ottawa, confirmed by cap, 92 of 56 Victoria, authorizing a bonus of $50,000 conditional on said railway being completed and in operation between Kingston and Ottawa before 1st January, 1898.

9. By-law of Village of Richmond, confirmed by cap. 92 of 56 Victoria, authorizing a bonus of $4,000 and right of way and station ground, conditional on said railway being completed through the said village to Ottawa.

10. By-law of the Township of South Crosby, confirmed and amended by cap. 92 of 56 Victoria, authorizing a bonus of $10,000 conditional on the said railway being completed from, at or near Kingston to Smith's Falls by 31st December, 1897.

11. By-law of Township of South Elmsley, confirmed by cap. 92 of 56 Victoria, authorizing a bonus of $4,000 conditional on the said railway being completed from Kingston to Smith's Falls within five years from date of by-law coming into force, which time has since been extended under the said Act.

12. By-law of the Township of Bastard and South Burgess authorizing a bonus of $15.000 conditional on the said railway being completed from Kingston to Smith's Falls within three years from the taking effect of this by-law.

13. By-law of the Township of the Rear of Leeds and Lansdowne authorizing a bonns of $20,000 conditional on the said railway being completdd from Kingston to Smith's Falls within three years from the taking effect of the by-law.

No. 29.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Kingston, Smith's Falls and Ottawa Railway Company.

First Reading, 2nd March, 1897.

(Reprinted as amended by Private Bills Committee.)

Mr. O'KEEFE.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 30.] **BILL.** [1897.

An Act respecting Local Improvements in the City of Ottawa and for other Purposes.

Preamble.

WHEREAS the corporation of the city of Ottawa has by its petition represented that the construction of permanent roadways on other streets than those mentioned in an Act of the Legislature of this Province intituled, *An Act respecting certain Local Improvements in the City of Ottawa and for other Purposes*, and being chapter 74 of 56 Victoria, is necessary in the said city, and that it would be inequitable to charge the whole cost of the construction of such roadways on the real property fronting or abutting thereon as for local improvements, and has prayed for an Act to enable the said corporation to provide for one-third of the cost of such improvements of out the general funds of the municipality and to issue debentures for the same: and whereas the said corporation has by its petition further represented that it is desirable and necessary in the interests of the residents of the said city to enlarge and extend the water mains in certain portions of the said city and to enlarge and improve the pumping machinery and other appliances with a view to the better protection of the property of the citizens against fire and to procure new fire stations and to acquire additional appliances for the fire brigade; and that it is necessary to borrow a sum of money not exceeding in the whole the sum of $115,000 for the purposes aforesaid, $60,000 of which will be expended in improving the waterworks and $55,000 in new fire stations and additional fire appliances: and whereas the said corporation has by its petition further represented that it is desirable in the public interest that the 13th section of an Act of the Legislature of this province, intituled *An Act for the Construction of Water Works for the City of Ottawa* and being chapter 80 of 35 Victoria, should be so amended as to enable the said corporation to fix the time or times when the water rents and water rates shall be payable by water consumers: and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Corporation authorized to contribute one-third cost of local improvements.

1. It shall be lawful for the corporation of the city of Ottawa to provide by by-law at the expense of the general funds of the municipality of the city of Ottawa one-third of the cost of paving as a local improvement any of the streets in the said city or any portion of them with natural or artificial stone or of the laying of asphalt pavement for the construction of a roadway of a permanent character as a local improvement upon any of the said streets or portions of streets, including the intersections of said streets, and to issue from time to time debentures for the cost of the same and to provide the other two-thirds of the cost of all such permanent roadways in the manner provided by the local improvement clauses of *The Consolidated Municipal Act, 1892.*

To issue water works debentures for $75,000.

2. It shall be lawful for the corporation of the city of Ottawa, for the purpose of enlarging and extending the water mains in certain streets of the said city, and enlarging and improving the pumping machinery and other appliances, to pass a by-law or by-laws to authorize the issue of debentures of the said corporation for a sum of money not exceeding $75,000 in such sums, of not less than $100 each, as the said corporation may deem expedient, which said debentures shall be made payable not more than thirty years from the day on which they respectively bear date, which said debentures shall bear interest at a rate not exceeding five per cent. per annum, payable half-yearly, and such debentures shall be signed by the mayor and the treasurer of the said city for the time being, and may be made payable either in sterling or currency, in Great Britain, in this Province, or elsewhere, as to the said the corporation of the city of Ottawa shall seem expedient.

Corporation to raise money to pay interest semi-annually.

3. For the purpose of providing a sinking fund for the payment of the said debentures and the interest on the same semi-annually, the corporation of the city of Ottawa shall raife annually from the water rates and with the authority conferred upon the said corporation in and by the Act of the Legislature of this Province, intituled, *An Act for the construction of Water Works for the City of Ottawa*, and the Acts amending the same, a sum of money sufficient to pay the interest semi-annually on the days appointed for the payment thereof, upon the principal money of said debentures, and shall also raise annually a further sum, not less than one and one-half per cent. on the principal of the said debentures, sufficient to form a sinking fund to pay off the principal money when the same shall become payable, such sum to be in addition to the moneys required to be raised to meet the charges of maintenance, the cost of re-

To form sinking fund.

newals, the amounts required for the payment of the interest on the water works debentures already issued, and for the payment of the sinking fund amounting annually to $11,700 as required by section 14 of the *Act to consolidate the Debenture Debt of the City of Ottawa*, passed in the 41st year of Her Majesty's reign, and chaptered 37, and such sum also to be in addition to the moneys required to meet the sinking fund and interest on the debentures issued under the authority of an Act of the Legislature of this province, intituled, *An Act respecting the City of Ottawa*, passed in the 50th year of Her Majesty's reign, and chaptered 59, and such sum also to be in addition to the moneys required to meet the sinking fund and interest on the debentures issued under the authority of an Act of the Legislature of this Province, intituled, *An Act to enable the Corporation of the City of Ottawa to issue Debentures for Water Works Purposes*, passed in the 52nd year of Her Majesty' reign, and chaptered 67, and such sum also to be in addition to the moneys required to meet the sinking fund and interest on the debentures issued under the authority of an Act of the Legislature of this Province, intituled, *An Act to enable the Corporation of the City of Ottawa to issue Debentures for Water Works Purposes*, passed in the 53rd year of Her Majesty's reign, and chaptered 97, and the said corporation shall pay the principal money and interest on the said debentures herein authorized to be issued, as the same shall from time to time fall due.

Council authorized to impose extra water rate in case of deficiency.

4. If from any cause the moneys annually accruing from the water rates, after deducting the present charges thereon, shall be less than the sum of money from time to time necessary for the payment of the interest and of the sinking fund to pay off the debentures herein authorized to be issued, it shall be the duty of the corporation of the city of Ottawa, and they are hereby authorized and required when and as often as the same may occur, forthwith to settle, impose, levy and collect an equal special rate upon all the assessable property of the city of Ottawa, in the manner and with the like powers as shall exist in respect to municipal assessment rates and taxes, and out of the proceeds thereof to pay and discharge all sums of money for interest or principal which shall or may be due or accruing due to meet the interest and sinking fund to pay the debentures herein authorized to be issued.

Council authorized to issue water works debentures for $55,000.

5. It shall be lawful for the corporation of the city of Ottawa, for the purpose of improving the fire protection of the said city as hereinbefore mentioned, to pass a by-law or by-laws to authorize the issue of debentures of the said corporation for a sum of money not exceeding $55,000 in such sums, of not less than $100 each, as the said corporation may deem expedient, which said debentures shall be made payable not more than twenty years from the day on which they respectively bear date, and shall bear interest at a rate not ex-

ceeding five per cent. per annum, payable half-yearly, and such debentures shall be signed by the mayor and the treasurer of the said city for the time being, and may be made payable either in sterling or currency, in Great Britain, in this Province, or elsewhere, as to the said the corporation of the city of Ottawa shall seem expedient.

Levy of annual rate.

6. For the payment of the debt and interest represented by the said debentures to be issued under the authority of the preceding section of this Act, there shall be annually raised, levied and collected by the said corporation during the currency of the said debentures a sum sufficient to discharge the said debt and interest when the same shall be respectively payable, said sum to be raised by an annual special rate upon the amount of the rateable or assessable property of the said corporation as appearing by the then last revised assessment roll thereof.

By-laws not to be submitted to ratepayers.

7. The by-law or by-laws of the said corporation passed under the authority of this Act shall not require to be submitted to or to have the assent of the electors of the said city before the final passing thereof nor shall it be necessary that any of the provisions of *The Consolidated Municipal Act, 1892*, relating to by-laws for creating debts, be complied with.

Informalities not to invalidate.

8. No defect in substance or in the form of the said debentures or of the by-laws authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof.

35 V. c. 80, s. 13. amended.

9. Section 13 of chapter 80 of 35 Victoria, being *An Act for the Construction of Water Works for the City of Ottawa* is amended by striking out the words "which shall be quarterly" where they occur in the 4th line of said section.

No. 30.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Local Improvements in the City of Ottawa and for other Purposes.

First Reading. th February, 1897.

(Private Bill.)

Mr. O'KEEFE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 30.] **BILL.** [1897.

An Act respecting Local Improvements in the City of Ottawa and for other Purposes.

Preamble.

WHEREAS the corporation of the city of Ottawa has by its petition represented that the construction of permanent roadways on other streets than those mentioned in an Act of the Legislature of this Province intituled, *An Act respecting certain Local Improvements in the City of Ottawa and for other Purposes*, and being chapter 74 of 56 Victoria, is necessary in the said city, and that it would be inequitable to charge the whole cost of the construction of such roadways on the real property fronting or abutting thereon as for local improvements, and has prayed for an Act to enable the said corporation to provide for one-third of the cost of such improvements of out the general funds of the municipality and to issue debentures for the same; and whereas the said corporation has by its petition further represented that it is desirable and necessary in the interests of the residents of the said city to enlarge and extend the water mains in certain portions of the said city and to enlarge and improve the pumping machinery and other appliances with a view to the better protection of the property of the citizens against fire and to procure new fire stations and to acquire additional appliances for the fire brigade; and that it is necessary to borrow a sum of money not exceeding in the whole the sum of $130,000 for the purposes aforesaid, $75,000 of which will be expended in improving the waterworks and $55,000 in new fire stations and additional fire appliances: and whereas the Board of Trade of the said city have expressed approval of authority being given to the council of the said city corporation to raise the necessary money to put the fire protection of the said city on a better basis; and whereas the said corporation has by its petition further represented that it is desirable in the public interest that the 13th section of an Act of the Legislature of this province, intituled *An Act for the Construction of Water Works for the City of Ottawa* and being chapter 80 of 35

Victoria, should be so amended as to enable the said corporation to fix the time or times when the water rents and water rates shall be payable by water consumers; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Corporation authorized to contribute one-third cost of local improvements.

1. It shall be lawful for the corporation of the city of Ottawa to provide by by-law at the expense of the general funds of the municipality of the city of Ottawa one-third of the cost of paving as a local improvement any of the streets in the said city or any portion of them with natural or artificial stone or of the laying of asphalt pavement for the construction of a roadway of a permanent character as a local improvement upon any of the said streets or portions of streets, including the intersections of said streets, and to issue from time to time debentures for the cost of the same and to provide the other two-thirds of the cost of all such permanent roadways in the manner provided by the local improvement clauses of *The Consolidated Municipal Act, 1892.*

To issue water works debentures for $75,000.

2. It shall be lawful for the corporation of the city of Ottawa, for the purpose of enlarging and extending the water mains in certain streets of the said city, and enlarging and improving the pumping machinery and other appliances, to pass a by-law or by-laws to authorize the issue of debentures of the said corporation for a sum of money not exceeding $75,000 in such sums, of not less than $100 each, as the said corporation may deem expedient, which said debentures shall be made payable not more than thirty years from the day on which they respectively bear date, which said debentures shall bear interest at a rate not exceeding five per cent. per annum, payable half-yearly, and such debentures shall be signed by the mayor and the treasurer of the said city for the time being, and may be made payable either in sterling or currency, in Great Britain, in this Province, or elsewhere, as to the said the corporation of the city of Ottawa shall seem expedient.

Corporation to raise money to pay interest semi-annually.

3. For the purpose of providing a sinking fund for the payment of the said debentures and the interest on the same semi-annually, the corporation of the city of Ottawa shall raife annually from the water rates and with the authority conferred upon the said corporation in and by the Act of the Legislature of this Province, intituled, *An Act for the construction of Water Works for the City of Ottawa*, and the Acts amending the same, a sum of money sufficient to pay the interest semi-annually on the days appointed for the payment thereof, upon the principal money of said debentures, and shall also raise annually a further sum, not less than one and one-half per cent. on the prin-

cipal of the said debentures, sufficient to form a sinking fund to pay off the principal money when the same shall become payable, such sum to be in addition to the money required to be raised to meet the charges of maintenance, the cost of renewals, the amounts required for the payment of the interest on the water works debentures already issued, and for the payment of the sinking fund amounting annually to $11,700 as required by section 14 of the *Act to consolidate the Debenture Debt of the City of Ottawa*, passed in the 41st year of Her Majesty's reign, and chaptered 37, and such sum also to be in addition to the moneys required to meet the sinking fund and interest on the debentures issued under the authority of an Act of the Legislature of this province, intituled, *An Act respecting the City of Ottawa*, passed in the 50th year of Her Majesty's reign, and chaptered 59, and such sum also to be in addition to the moneys required to meet the sinking fund and interest on the debentures issued under the authority of an Act of the Legislature of this Province, intituled, *An Act to enable the Corporation of the City of Ottawa to issue Debentures for Water Works Purposes*, passed in the 52nd year of Her Majesty' reign, and chaptered 67, and such sum also to be in addition to the moneys required to meet the sinking fund and interest on the debentures issued under the authority of an Act of the Legislature of this Province, intituled, *An Act to enable the Corporation of the City of Ottawa to issue Debentures for Water Works Purposes*, passed in the 53rd year of Her Majesty's reign, and chaptered 97, and the said corporation shall pay the principal money and interest on the said debentures herein authorized to be issued, as the same shall from time to time fall due.

To form sinking fund.

4. If from any cause the moneys annually accruing from the water rates, after deducting the present charges thereon, shall be less than the sum of money from time to time necessary for the payment of the interest and of the sinking fund to pay off the debentures herein authorized to be issued, it shall be the duty of the corporation of the city of Ottawa, and they are hereby authorized and required when and as often as the same may occur, forthwith to settle, impose, levy and collect an equal special rate upon all the assessable property of the city of Ottawa, in the manner and with the like powers as shall exist in respect to municipal assessment rates and taxes, and out of the proceeds thereof to pay and discharge all sums of money for interest or principal which shall or may be due or accruing due to meet the interest and sinking fund to pay the debentures herein authorized to be issued.

Council authorized to impose extra water rate in case of deficiency.

5. It shall be lawful for the corporation of the city of Ottawa, for the purpose of improving the fire protection of the said city as hereinbefore mentioned, to pass a by-law or by-laws to authorize the issue of debentures of the said corporation for a sum of money not exceeding $55,000 in

Council authorized to issue debentures for $55,000 *for fire appliances*.

such sums, of not less than $100 each, as the said corporation may deem expedient, which said debentures shall be made payable not more than twenty years from the day on which they respectively bear date, and shall bear interest at a rate not exceeding five per cent. per annum, payable half-yearly, and such debentures shall be signed by the mayor and the treasurer of the said city for the time being, and may be made payable either in sterling or currency, in Great Britain, in this Province, or elsewhere, as to the said the corporation of the city of Ottawa shall seem expedient.

Levy of annual rate.

6. For the payment of the debt and interest represented by the said debentures to be issued under the authority of the preceding section of this Act, there shall be annually raised, levied and collected by the said corporation during the currency of the said debentures a sum sufficient to discharge the said debt and interest when the same shall be respectively payable, said sum to be raised by an annual special rate upon the amount of the rateable or assessable property of the said corporation as appearing by the then last revised assessment roll thereof.

By-laws not to be submitted to ratepayers.

7. The by-law or by laws of the said corporation passed under the authority of this Act shall not require to be submitted to or to have the assent of the electors of the said city before the final passing thereof nor shall it be necessary that any of the provisions of *The Consolidated Municipal Act, 1892*, relating to by-laws for creating debts, be complied with.

Informalities not to invalidate.

8. No defect in substance or in the form of the said debentures or of the by-laws authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof.

35 V. c. 80, s. 13. amended.

9. Section 13 of chapter 80 of 35 Victoria, being *An Act for the Construction of Water Works for the City of Ottawa* is amended by striking out the words "which shall be quarterly" where they occur in the 4th line of said section.

No. 30.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Local Improvements in the City of Ottawa and for other Purposes.

First Reading, 8th March, 1897.

(Reprinted as amended by Private Bills Committee.)

(Private Bill.)

Mr. O'KEEFE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 31.] BILL. [1897.

An Act respecting the City of Windsor.

Preamble.

WHEREAS the corporation of the City of Windsor has by its petition prayed that authority may be given to consolidate certain debts, namely, a deficit in the local improvement fund of the said city amounting to $6,664.11, a deficit in the consolidated debenture account amounting to $11,881, a sum of $6,342.52 expended in the years 1895 and 1896 for the improvement of the electric light works, for the payment of which no fund has been provided, a sum of $3,329.27 paid in 1896 to the Government of the Dominion of Canada for a school site purchased in 1859, for which no fund has been provided, and a sum of $5,000, the probable amount the said city will be required to pay the County of Essex as said city's share of the cost of the improvement of the county buildings in 1896, the said several sums aggregating the sum of $33,216.90; and has also prayed that the said corporation may be authorized to pass a by-law to raise by way of loan upon the security of debentures payable by annual instalments during a period of thirty years the said sum of $33,216.90 with which to pay off the said debts and liabilities; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts of follows:—

Consolidation of debt.

1. The said debts of the corporation of the City of Windsor are hereby consolidated at the sum of $33,216.

Power to borrow $33,216.

2. It shall be lawful for the said corporation to pass a by-law or by-laws to borrow upon the credit of debentures hereinafter mentioned the said sum of $33,216 with which to pay off the said several sums constituting the debt hereby consolidated; and to impose and levy upon all the rateable property of the municipality a special rate annually sufficient to meet the principal and interest of said consolidated debt as the same respectively fall due.

Payable by annual instalments.

3. That the said debentures shall be made payable in annual instalments covering a period of thirty years, the last of which instalments shall be payable in the year 1927, said instalments to be of such amounts respectively as will make the sum to be raised by special rate annually for principal and interest the same as nearly as may be in each and every year of the said thirty years.

Form of debentures.

4. The said debentures shall be of a denomination of not less than $100 each, and shall be called, and have printed on the face thereof, the words "Consolidated Debt Debentures, 1897," and shall have attached thereto coupons for the payment of the interest thereon, which interest shall not exceed five per centum per annum, and shall be payable half-yearly.

Where payable and by whom signed.

5. The said debentures and coupons shall be payable at the office of the treasurer of said municipality, and shall respectively be signed by the mayor and treasurer, and the said debentures shall be sealed with the seal of the corporation:

Consolidated debt rate, 1897.

6. The special rate hereinbefore provided for the redemption of the said debentures and coupons shall be called "Consolidated Debt Rate, 1897," and shall be entered in the collector's roll each year of the said period of thirty years under a separate heading and distinct from all other rates.

Assent of ratepayers not necessary.

7. It shall not be necessary to obtain the assent of the electors of the said city for the passing of the by-law or by-laws which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*, or any amending Acts.

Corporation not discharged as to other debts.

8. The said corporation of the City of Windsor is not, and shall not be taken to be, discharged by this Act from any debt or obligation or liability which may not be included in the debts and liabilities severally set out in the preamble hereof.

Application of money borrowed.

9. The money borrowed upon the credit of the said debentures shall be applied to the payment of the several sums constituting the debt hereby consolidated, and to no other purpose whatever; and the said treasurer shall be personally responsible for its proper application as aforesaid.

No. 31.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the City of Windsor.

First Reading, 1897.

(Private Bill.)

MR. MCKEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 31.] BILL. [1897.

An Act respecting the City of Windsor.

Preamble.

WHEREAS the corporation of the City of Windsor has by its petition prayed that authority may be given to consolidate certain debts, namely, a deficit in the local improvement *sinking* fund of the said city amounting to $6,664.11, a deficit in the consolidated debenture account amounting to $11,881, a sum of $6,342.52 expended in the years 1895 and 1896 for the improvement of the electric light works, for the payment of which no fund has been provided, a sudden emergency having arisen requiring the immediate duplication of machinery before any by-law could be submitted to the ratepayers a sum of $3,329.27 paid in 1896 to the Government of the Dominion of Canada for a school site purchased in 1859, for which no fund has been provided, and a sum of $5,000, the probable amount the said city will be required to pay the County of Essex as said city's share of the cost of the improvement of the county buildings in 1896, the said several sums aggregating the sum of $33,216.90; and has also prayed that the said corporation may be authorized to pass a by-law to raise by way of loan upon the security of debentures payable by annual instalments during a period of thirty years the said sum of $33,216.90 with which to pay off the said debts and liabilities; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts of follows:—

Consolidation of debt.

1. The said debts of the corporation of the City of Windsor are hereby consolidated at the sum of $33,216.

Power to borrow $33,216.

2. It shall be lawful for the said corporation to pass a by-law or by-laws to borrow upon the credit of debentures hereinafter mentioned the said sum of $33,216 with which to pay off the said several sums constituting the debt hereby consolidated; and to impose and levy upon all the rateable property of the municipality a special rate annually sufficient to meet the principal and interest of said consolidated debt as the same respectively fall due.

Payable by annual instalments.

3. That the said debentures shall be made payable in annual instalments covering a period of *twenty* years, the last of which instalments shall be payable in the year 1917, said instalments to be of such amounts respectively as will make the sum to be raised by special rate annually for principal and interest the same as nearly as may be in each and every year of the said *twenty* years.

Form of debentures.

4. The said debentures shall be of a denomination of not less than $100 each, and shall be called, and have printed on the face thereof, the words "Consolidated Debt Debentures, 1897," and shall have attached thereto coupons for the payment of the interest thereon, which interest shall not exceed five per centum per annum, and shall be payable half-yearly.

Where payable and by whom signed.

5. The said debentures and coupons shall be payable at the office of the treasurer of said municipality, and s all respectively be signed by the mayor and treasurer, and the said debentures shall be sealed with the seal of the corporation.

Consolidated debt rate, 1897.

6. The special rate hereinbefore provided for the redemption of the said debentures and coupons shall be called "Consolidated Debt Rate, 1897," and shall be entered in the collector's roll each year of the said period of *twenty* years under a separate heading and distinct from all other rates.

Assent of ratepayers not necessary.

7. It shall not be necessary to obtain the assent of the electors of the said city for the passing of the by law or by-laws which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*, or any amending Acts.

Corporation not discharged as to other debts.

8. The said corporation of the City of Windsor is not, and shall not be taken to be, discharged by this Act from any debt or obligation or liability which may not be included in the debts and liabilities severally set out in the preamble hereof.

Application of money borrowed.

9. The money borrowed upon the credit of the said debentures shall be applied to the payment of the several sums constituting the debt hereby consolidated, and to no other purpose whatever; and the said treasurer shall be personally responsible for its proper application as aforesaid.

No. 31.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the City of Windsor.

First Reading, 2nd March, 1897.

(Reprinted as amended by Private Bills Committee).

Mr. McKee.

TORONTO:
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Printer to the Queen's Most Excellent Majesty.

No. 32] **BILL.** [1897.

An Act respecting the Metropolitan Street Railway Company.

Preamble

WHEREAS the Metropolitan Street Railway Company has, by its petition prayed that an Act may be passed providing for certain amendments to the Acts relating to the company and for an extension of the powers of the company; and whereas it is expedient to grant the prayer of the said petition:—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Powers of construction extended.

1. The company is hereby authorized and empowered to construct, maintain and operate its line of railway within the counties of York and Simcoe to any point on Lake Simcoe and the Georgian Bay or to any intermediate points, and to construct, maintain and operate extensions and branches to any town or village in the said counties.

Streets along which railway may run.

Motive power.

2. The said railway may be carried along and operated upon such streets and highways as have been or may be authorized by the respective corporations having jurisdiction over the same. The company may operate its railway by any motive power, but shall not use steam as a motive power in operating its railways along any street or highway unless the corporation, within the limits of which such street or highway is situate, consents. Any such corporation is hereby authorized and empowered to give such authority or consent by resolution of its council.

Leave to purchase or sell electric power.

3. The company may purchase or hire electric power from any municipality or other corporation, company or person, and may along any part of its railway sell or lease electricity and electric power to any municipal or other corporation or person, and for these purposes the company shall possess the powers,

rights and privileges conferred upon joint stock companies incorporated under the Act respecting companies for steam and heating and for supplying electricty for light, heat or power but the said company shall not exercise any powers under the said last mentioned Act without the consent of the municipality in which such powers are to be exercised which consent any such municipality is hereby authorized and empowered to give by resolution of its council.

Power to make agreements as to rolling stock.

4. The company may enter into any agreement with any other company or with any persons for leasing, hiring or using any rolling stock, motors or cars from such company or person for such time or times and on such terms as may be agreed upon.

Power to make agreements as to interchange of traffic.

5. The company is hereby authorized and empowered to agree with any other company for the interchange of cars and traffic and for connections and running arrangements

Power to issue debentures.

6. The directors of the company may issue its bonds and debentures and make and issue as paid up stock shares in the company whether subscribed for or not and may deliver such bonds or allot and hand over such stock in payment for right of way, rolling stock plant or materials of any kind or for any property which the company is empowered to acquire and also for the services of contractors and engineers and for any services in furthering the company's undertaking whether performed or not by shareholders in the company or by members of its board of directors, and such delivery of bonds and issue and allotment of stock shall be binding on the company and such stock shall not be assessable for calls.

Bonds to be the first lien.

7. The series of bonds issued and to be issued (not exceeding $14,000 for each and every mile of single track of the company's railway and extensions and branches at the times of actual issue) secured by a first mortgage deed of trust dated the first day of February, 1897, which has been duly executed and delivered to the Trusts Corporation of Ontario as trustees is hereby ratified and confirmed and the said bonds shall be the first lien and charge upon the company's railway, undertaking, property and assets as provided by the said mortgage.

Power of directors to issue and sell debentures.

8.—(1) The directors of the company, under the authority of the shareholders to them given at any special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the stock of the company who have paid all calls due thereon are present in person or represented by proxy may, subject to the provisions in this Act contained, issue bonds, debentures or other securities to the extent limited by the Acts relating to the company for each and every mile of single track of the said railway,

and extensions and branches; such bonds, debentures or other securities shall be signed by the president or other presiding officer and countersigned by the secretary, which countersignature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such time and in such manner and at such place or places in Canada or elsewhere and may bear such rate of interest, not exceeding six per centum per annum, as the directors think proper.

(*a*) The directors may issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions which at the time they may be able to obtain for the purpose of raising money for prosecuting the said undertaking.

(*b*) No such bond, debenture or other security shall be for a less sum than one hundred dollars.

(*c*) The power of issuing bonds heretofore and by this Act conferred upon the company hereby shall not be construed as being exhausted by such issue, but such power may be exercised from time to time upon the bonds constituting such or any issue being withdrawn or paid off and duly cancelled.

(*d*) The power to issue bonds to a greater extent than $14,000 for each and every mile of single track of the company's railway and extensions and branches shall not be exercised while any of the bonds referred to in the seventh section of this Act subsist, without the consent of the holders of such bonds.

Mode of securing debentures.

(2) The company may secure such and any already existing bonds, debentures or other securities by a mortgage deed, creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future, or both, as are described in the said deed, but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the undertaking.

(*a*) By the said deed the company may grant to the holders of such and any already existing bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers

rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

(*b*) Every such mortgage deed shall be deposited in the office of the Provincial Secretary of which deposit notice shall be given by the company in *The Ontario Gazette*.

(*c*) It shall not be necessary to register any mortgage of chattels made, securing the bonds or debentures of the company.

(3) Until they have been cancelled the bonds, debentures or other securities hereby authorized to be issued shall together with the bonds referred to in the seventh section of this Act be taken and considered to be the first preferential claim and charge upon the company and the privileges acquired under the agreements by this Act confirmed, and the undertaking, tolls and income, rents and revenues and real and personal property thereof at any time acquired save and except as provided for in the next preceding subsection.

(*a*) Each holder of the said bonds, debentures or other securities and of the bonds referred to in the seventh section of this Act, shall, and until they have been cancelled, be deemed to be a mortgagee or incumbrancer upon the said properties *pro rata* with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities or of the interest thereon, except through the trustee or trustees appointed by or under the mortgage deed referred to in the seventh section of this Act, or any other mortgage deed given in substitution therefor or given to secure the bonds, debentures or other securities issued by the company after the mortgage referred to in the seventh section this of Act has been cancelled.

(4) If the company makes default in paying the principal or interest on any of the bonds referred to in the seventh section of this Act, or any of the bonds, debentures or other securities hereby authorized at the time when the same by the terms of the bond, debenture or other security becomes due and payable, then at the next annual meeting of the company, and at all subsequent meetings, all holders of bonds, debentures or other securities so being and remaining in default shall in respect thereof have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if

they held fully paid up shares of the company to a corresponding amount.

(*a*) The rights given by this subsection shall not be exercised by any such holder, unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security in respect of which he claims to exercise such rights, has been registered in his name in the same manner as the shares of the company are registered at least ten days before he attempts to exercise the right of voting thereon, and the company shall be bound on demand to register such bonds, debentures or other securities, and any transfers thereof thereafter in the same manner as shares or transfers of shares.

(*b*) The exercise of the rights given by this subsection shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of any such mortgage deed.

(5) All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery until registration thereof as hereinbefore provided and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Provision for release of lands.

10. Any lands or chattel property which have become no longer useful or necessary for the purposes of the company may be released by the trustees of any mortgage securing the bonds of the company if a provision for such release is contained in the mortgage, and thereafter such released lands or chattel property shall be held freed and discharged from any lien created by the said mortgage or by any of the Acts relating to the company in favor of the said bondholders.

Power of trustee to invest trust funds.

11. It shall be lawful for any trustee, unless expressly forbidden by the instrument, if any, creating the trust, to invest any trust funds in his hands in any bonds or debentures of the company, provided that the bonds or debentures are registered on the books of the company, and are transferable only on the books of the company in his name as trustee for the particular trust estate for which they are held in such bonds or debentures.

Agreement between M. S. R. Co. and T. S. S. R. Co.

12. The company and the Toronto Suburban Street Railway Company (Limited) are authorized and empowered to enter into an agreement whereby the company shall acquire from the Toronto Suburban Street Railway Company all the assets, franchises, contracts, agreements, rights, powers and

privileges, and all other real and personal property of the Toronto Suburban Street Railway Company (Limited), and in the exercise of the powers by this Act conferred the Metropolitan Railway Company may assume all the debts, liabilities, contracts, covenants, agreements and obligations of the Toronto Suburban Street Railway Company (Limited) previously incurred or entered into by it. And upon an indenture to such effect being executed between the two companies the Metropolitan Street Railway Company shall thereupon and thereby have vested in it all the assets, franchises, contracts, agreements, rights, powers, privileges and franchises of and belonging to the Toronto Suburban Street Railway Company (Limited), and all its real and personal property, subject to all liens, charges, covenants, debts, liabilities, agreements and obligations previously entered into by it. And the Metropolitan Railway Company shall stand in the place of the Toronto Suburban Street Railway Company (Limited) and become entitled to all benefits which the said company is or may be entitled to in respect of any statute of the Legislature of the Province of Ontario, or in respect of any by-law passed by any municipality, and in respect of any agreement into which the Toronto Suburban Street Railway Company (Limited) has entered, as fully and effectually as if the Metropolitan Railway Company had been named therein as an original party thereto. The Metropolitan Railway Company may make and issue as paid-up stock shares in the Metropolitan Railway Company, and may allot and hand over such stock in payment for the assets, property, rights and franchises of the Toronto Suburban Street Railway Company (Limited), and such issue and allotment of stock shall be binding on the Metropolitan Railway Company, and such stock shall not be assessable for calls.

Right to use tracks of T. R. Co.

13. The company shall have the rights to the use of the tracks of the Toronto Railway Company for the purpose of running cars, conveying passenger and other traffic to the Union station, the water front, the city markets and the post office, and such other points in the city of Toronto and upon such terms as may be agreed upon between the companies, or in case the companies differ as may be determined by the Lieutenant-Governor in Council.

Right of Toronto Ry. Co.

14. The Toronto Railway Company shall have the right to the use of the tracks of the Metropolitan Railway Company for the purpose of running cars, conveying passenger and other traffic to Mount Pleasant cemetery on Yonge street, and to such other points on the railway of the Metropolitan Railway Company upon such terms as may be agreed upon between the companies, or in case the companies differ as may be determined by the Lieutenant-Governor in Council.

Number of directors.

15. The number of directors of the said company shall be from time to time determined by by-law.

16. The name of the said company is hereby changed to "The Metropolitan Railway Company" but the powers, rights and liabilities of the company shall not be affected in any manner by such change of name and all contracts made, powers exercised and rights and property acquired by the said company under its prior corporate names shall remain valid and binding and become and be the contracts, powers, rights and property of the Metropolitan Railway Company. Name of company.

17. And whereas by certain agreements between the municipal corporation of the county of York and the company dated respectively the 6th day of April, 1894, and the 7th day of February, 1896, which are set forth in sche lules A and B to this Act, certain privileges and franchises were granted to the company upon its complying with the conditions therein set forth and with which the company has fully complied. It is therefore enacted that the said agreements and the privileges and franchises thereby created are hereby confirmed and declared to be existent and valid and binding upon the parties to the said agreements to the same extent and in the same manner as if the several clauses of such agreements were set out and enacted as part of this Act. Certain agreements confirmed.

18. All the provisions of the Acts incorporating and relating to the company which are inconsistent with this Act are hereby repealed. Inconsistent provisions of Acts repealed.

SCHEDULE B.

(Section 17.)

This indenture made in duplicate the seventh day of February, one thousand eight hundred and ninety-six, between the Municipal Corporation of the County of York, hereinafter called "the County" of the first part, and The Metropolitan Street Railway Company, hereinafter called "the Company" of the second part.

Whereas, under and by virtue of an agreement, dated the 6th day of April, 1894, made between the county and the company, under the provisions of by-law number 671 of the county, it was provided that the company should complete their line of railway to Richmond Hill on or before the first day of October, 1895;

And whereas, by by-law number 699 of the county, by-law number 671 was amended by erasing from the fifth paragraph thereof the words "first of October, 1895," and by inserting in lieu thereof the following words "20th of November, 1896;"

And whereas it is provided in said by-law number 699 that such extention should not take effect unless and until the company deposits with the county treasurer the sum of $1,000, or a bond, satisfactory to the county solicitor and treasurer, for that sum, which sum should be forfeited, or such bond should be enforced, in the event of the company not completing the extension of the line to Richmond Hill by the said 20th day of November, 1896;

And whereas it was further provided by said by-law number 699 that an agreement should be entered into embodying the terms of said by-law and confirming said agreement, dated 6th day of April, 1894, as varied by the said by-law, and that such agreement should be executed on behalf of the county after same had been approved by the county commissioners;

And whereas, this agreement is made in pursuance of said by-law number 699, and has been approved by the commissioners of the county of York.

Now, therefore, this indenture witnesseth that the county and the company have covenanted and agreed, and by these presents do covenant and agree each with the other as follows:—

1. The company may make, build and construct an extension of its line of railway between its present terminus at York Mills hill and the northern limit of Richmond Hill village, by the 20th day of November, 1896.

2. If the company neglect or refuse to complete and operate its railway over the entire extension between the present northern terminus and the northerly limit of Richmond Hill village by the 20th day of November, 1896, the company shall forfeit the franchise granted by the above recited by-law number 671, and the above recited agreement, and by the above recited by-law number 699, and by this agreement, and this agreement shall become null and void, and the extension of the period granted by this agreement, during which the franchise for operating the company's present line is to exist beyond the period existing at the date hereof shall be taken not to have been granted and shall be null and void, and the agreements relating to the company's railway existing prior to the date of this agreement shall be deemed to be the agreements between the corporation and the company relating to the company's railway.

3. All provisions, covenants and conditions contained in the said agreement between the county and company, dated the 6th day of April, 1894, which are inconsistent with this agreement, are, by mutual consent, hereby rescinded, and the said agreement is in all other respects hereby confirmed

4. It is further agreed by the county and the company that this agreement shall not take effect or possess any operative force whatever unless and until the company deposits with the treasurer of the County of York the sum of $1,000, which sum shall be forfeited to the Corporation of the county of York unless the company completes the said street railway to the northern limit of Richmond Hill village on or before the said 20th day of November, 1896, or at the option of the company unless and until the company execute a bond to be approved by the solicitor of the county of York and the treasurer thereof conditioned in the sum of $1,000, which sum shall become payable to the Corporation of the County of York if the company shall fail to build a line of street railway between its present terminus and the northern limit of Richmond Hill village on or before the said 20th day of November, 1896.

In witness whereof the said Corporation of the County of York has hereunto affixed its corporate seal by the hand of Jonathan Slater, Esq., the Warden of the said County, and George Eakin, Esq., the Clerk thereof, and the said Metropolitan Street Railway Company has hereunto affixed its corporate seal by the hand of Charles D. Warren, president thereof.

Signed, sealed and delivered in the presence of

WALTER BARWICK, as to signature of C. D. Warren.

JON. SLATER, Warden. (Seal County of York)

GEO. EAKIN, Clerk.

CHAS. D. WARREN. President (Seal The Metropolitan Street Railway, Co., Toronto.)

SCHEDULE A.

(*Section 17.*)

METROPOLITAN AGREEMENT.

This Indenture, made the sixth day of April, one thousand eight hundred and ninety-four, between the Municipal Corporation of the County of York, hereinafter called "the County," of the first part, and the Metropolitan Street Railway Company, hereinafter called "the Company," of the second part.

Whereas, under and by virtue of certain indentures dated respectively the 25th day of June, 1884; the 20th day of January, 1886; the 28th day of June, 1889; the 17th day of December, 1889; the 20th day of October, 1890, and the 2nd day of March, 1891, to each of which agreements the county is party of the first part and the company is party of the second part, the company is entitled to the exclusive right and privilege to maintain and operate its line of railway in, upon and along the portion of Yonge street lying between what was the northern limit of the city of Toronto, on the 25th day of June, 1884, and the present northern terminus of the company's railway at the top of York Mills hill;

And whereas the company is authorized and empowered by statute made in that behalf to extend, equip, maintain and operate its line of railway within the county of York to Lake Simcoe, or to any intermediate point between such present northern terminus and Lake Simcoe, provided that any such extension is to be made with the consent of the county, and subject to any agreement which may be made between the company and the county;

And whereas the county have under the provisions of its by-law, No. 671, consented to an extension of the company's line of railway on Yonge street northerly from the present terminus, upon the terms and conditions hereinafter set forth, and to enter into an agreement with the county such as is hereinafter contained;

Now this Indenture witnesseth that the county and the company have covenanted and agreed and by these presents do covenant and agree each with the other, as follows:

1. The company shall have the right so far as the county has power to grant the same, to extend and operate its line of railway by electric, cable, or horse power from its present terminus northerly on Yonge street to Lake Simcoe.

2. The company may make, build and construct the section of such extension of its line of railway between the present terminus at York Mills hill and the northern limit of Richmond Hill village by the 1st day of October, 1895, the tracks to be located according to the plans marked "A" and signed by the parties hereto and remaining of record in the office of the county's engineer, where reference thereto may be had, which plans are hereby incorporated with, and made part of this agreement.

3. Before the work is commenced upon any section of such extension of the company's railway beyond the northern limit of Richmond Hill, the plans setting forth the proposed location of the company's tracks shall be approved by the committee named in the by-law hereinbefore recited, or any committee which may hereafter from time to time be appointed by the County Council for the purpose of carrying this agreement into effect and which is in this agreement referred to as the committee.

4. The location of the company's tracks shewn upon any of the plans mentioned shall not be altered without the consent of the committee.

5. The line shall not be put in operation upon any section of such extension until after the county engineer has certified that such section has been constructed in compliance with the provisions of this agreement.

6. The company undertake that if any extension of its line be made beyond the present terminus at York Mills hill, the same shall be built

through, and completed to the northern limit of Richmond Hill village, and if any extension be made beyond such northern limit of Richmond Hill village, the same shall be built through and completed to Bond lake.

7. The company for the purposes of operating its railway may

(1) Lay down such tracks, rails, cables, conduits and substructures upon such portions of Yonge street as may be occupied by the company's railway.

(2) Maintain and erect such poles on Yonge street as may be necessary for the purpose of carrying wires and supporting the appliances necessary for operating the company's railway, and for conducting electricity in connection with any of the purposes provided for in the various Acts relating to the company, provided that no wires shall be strung at a less height than fourteen feet from the ground.

(3) Construct, put in and maintain such culverts, switches and turnouts as may from time to time be found to be necessary for the operating of the company's line of railway on Yonge street, or leading to any of the cross streets leading into or from Yonge street, or for the purpose of leading to any track allowances or rights of way on lands adjacent to Yonge street, where the company's line deflects from Yonge street, or to the company's power houses and car sheds, and the company may from time to time alter the location of such culverts, switches and turnouts.

8. The company may, with the consent of the committee, change the location of its lines of track to any portion of Yonge street, other than those now or hereafter to be occupied by the company's lines of tracks.

9. All tracks laid on any portion of the street or road, which at present is macadamized, shall so far as is practicable, and where directed by the county engineer, conform to the grade of the street or road.

10 The company shall at all places where switches and turnouts are constructed, macadamize such portion of the travelled road within, and alongside of such switches and turnouts as the engineer of the county shall direct.

11. The company may deflect its line from Yonge street and operate the same across and along private properties after expropriating the necessary rights of way under the provisions of the Statutes in that behalf

12. If the company neglect to keep in repair the track allowances and crossings, switches and turnouts referred to in paragraphs numbered 7, 8, 9 and 10, or to have the necessary repairs according to this agreement made thereon, the county may give notice to the company requiring such repairs to be forthwith made, and the certificate of the county engineer for the time being as to the necessity for such repairs shall be binding and conclusive upon the company, and if after the giving of such notice the company do not within one week begin, and thereafter, with all resonable diligence, carry such work of repairing to completion, the county shall have the right to cause such repairs to be made, and the company shall pay to the county the expenditure incurred in making or completing such repairs.

13. Where the track runs on any portion of the street or road which at present is used for general travel by the public, the whole space occupied as track allowances (viz., for single tracks eight feet, for double tracks thirteen feet) shall be keep in good order and repair to the satisfaction of the county engineer.

14. At the intersection of the company's railway and cross streets or highways crossing Yonge street, the company shall construct and keep in repair crossings of a similar character to those adopted by the county, and shall construct underneath its track allowances such culverts and waterways as are in the opinion of the county engineer necessary for drainage purposes, and shall, at the entrances to private properties which the company's railway crosses, construct such approaches as the county engineer directs. Where the company's tracks are built over any existing culverts then the company shall extend such culverts when directed by the county engineer so that the travelled road shall have a width of 18 feet between the company's tracks and the end of the culvert on the opposite side of the road.

15. If the county at any time hereafter alter the course of the main branch of the Don river where it crosses Yonge street at York Mills then the company shall construct such works as are necessary to enable its tracks to be built over the stream as so diverted.

16. The company may at any time hereafter change the gauge upon its railway now constructed or that may be hereafter constructed by the said company under any authority of the council of the said county of York, from the now, or then existing gauge to the standard railway gauge, being four feet eight and one-half inches, or to such gauge as may hereafter be adopted as a standard electrical railway gauge, or to such gauge as may be in use upon the street railways or tramways in the city of Toronto, in the discretion of the company, and may with the consent of the committee's change the rail now in use by the said company on its railway or that may be in use upon its railway now or hereafter to be constructed.

17. All works necessary for changing the said gauge or rails shall be made in a substantial manner, according to the best modern practice under the supervision, and to the satisfaction of the county engineer for the time being.

18. The company shall have the right to remove the snow from, and within its tracks and switches, provided that any snow put upon the graded part of the road by the company shall be evenly spread thereon in a manner to be approved by the county engineer.

19. In case the electric motors or cars used by the company in operating its railway, whilst passing along the railway, cause alarm to any horses travelling or being upon Yonge street with vehicles or otherwise, the motors or cars of the company shall, if necessary, be stopped, to enable the horses so alarmed to pass without accident or injury, and if necessary the servants of the company in charge of such motors or cars shall assist the person or persons riding or driving, or in charge of such horse or horses that may be alarmed, in endeavoring to prevent accident or injury to the person or persons, horse or horses, vehicles or other property of persons travelling, using or upon Yonge street

20 The company shall, unless prevented by accident or other unavoidable cause, run at least two trips each way, morning and evening, on a regular time table, at such hours as will best meet the wants of the residents along and adjacent to Yonge street and the general public; and in the event of the company's tracks being blocked with snow to such an extent that traffic is interrupted for the continuous space of 24 hours, from the hour of 7 p.m. of the day on which traffic is first interrupted, then the company shall provide one sleigh or vehicle each way every day for the purpose of travel between the southern terminus of the company's line of railway and Richmond Hill village, and continue the running of the same until the company's line of railway be cleared and again put in operation.

21. The speed of the cars shall not exceed, or be increased beyond twenty (20) miles an hour. All motors and cars run upon the company's railway for the purpose of carrying milk, shall be stopped for the purpose of loading and unloading milk cans at such stations or stopping places as are from time to time designated by the county engineer, provided, however, that in determining the places at which stops are to be made, no more than two stopping places in any half mile section shall be designated.

22. Passenger car conductors shall clearly announce the names of cross streets, cross roads and public places as the cars reach them.

23. The county may at any time, after giving to the company 20 days notice of its intention so to do, take up any part of the street or road, along which the company's railway is constructed, for the purpose of altering the street or road grade, constructing sewers, drains, culverts or side crossings, laying down gas and water pipes or underground wires, and for all other purposes within the province and privileges of a municipal corporation, without being liable for any compensation or damage that may be occasioned to the working of the railway or the works connected

therewith. When and so often as it may be necessary for the county to open the road or street for the purpose of repairing such street or road, sewer, drains, culverts, gas or water pipes, or underground wires, or putting in gas, water or other services, a reasonable notice shall be given to the company of the county's intention so to do, and the work thereon shall not be unnecessarily delayed but shall be carried on and completed with all reasonable speed, due regard being had to the proper and efficient execution thereof.

24. When the street between the limits of the city of Toronto and Mount Pleasant cemetery is to be paved in a permanent manner on concrete or other foundation, then the company, on being required by the county so to do, shall remove its present rails and tracks to, and lay a double track along the centre of the street between such limits, according to the best modern practice. The company shall not be required to do the excavating necessary for the laying of such double track, or prepare the proper foundation therefor, but shall bear all expense in removing such track and rails and laying the same upon the foundation so to be prepared The company shall not be bound to make or keep in repair such permanent roadway occupied by its track allowances, but shall maintain the ties, stringers, rails, turnouts, curves, etc., upon such double track, and in the event of the company desiring to make any repairs to such ties stringers, rails, tournouts, curves, etc., the company shall repave the portion of the roadway so torn up at its own expense.

25. The fares to be charged by the company shall not exceed a rate per mile of three cents, provided, however, that if the rate per mile be hereafter fixed by any Act having general application to railways at a less rate than three cents per mile, then the fares to be charged shall not exceed the rates so fixed by such Act, but the company shall not be bound to carry any passenger any distance for less than five cents.

26. The company shall use its railway for the conveyance of such freight, goods or merchandise as shall from time to time be named by the committee, but the company shall not be compelled to carry more than four tons of freight per car, and the rates to be charged therefor shall from time to time be agreed upon by and between the council of the county or the committee on the one part, and the company on the other part, and in case any difference shall arise in settling or fixing upon the rates to be charged, then the same shall be submitted to the Lieutenant-Governor in Council who shall determine, settle and approve of the rates to be charged by the company, and all rates that may be charged, whether agreed upon in such manner or otherwise settled, shall be subject to the revision of the Lieutenant-Governor in Council from time to time. The directors of the company shall from time to time print and stick up, or cause to be printed and stuck up, in the company's offices and in all and every of the places where such rates are to be collected, a painted or printed board or paper exhibiting all the rates chargeable by the company for the carriage of freight, goods or merchandise, or of any matter or thing.

27. All work done under the authority of this agreement shall be done in the most substantial manner and according to the best modern practice under the superintendence and to the satisfaction of the county engineer with a right of appeal to the committee whose decision shall govern.

28. The alignment of the company's tracks, the location of switches and the grades of the roadbed of its railway shall be prescribed by the county engineer.

29. The company shall repay to the county all sums paid by it to the county engineer for services performed by him in connection with the company's work.

30. All persons using the said portions of Yonge street shall be at liberty to travel upon any portion of the travelled roadway occupied by the company's railway, and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portions of the highway, it being provided, however, that the company's cars shall have the first right of way over the said railway, and all vehicles

or persons travelling on that portion of the highway occupied by the railway, shall turn out upon meeting or being overtaken by any of the company's cars, so as to give them full right of way.

31. The company shall be liable to the county for, and shall indemnify the county against all damages arising out of the construction or operation of the company's railway or by reason of the existence of the company's railway and ties and poles upon the roads, whether such damages are occasioned while running at a speed authorized by this agreement or otherwise, and for and against the county's cost and expenses of and incidental to claims for such damages.

32. The privileges and franchises granted by the agreements referred to in the above recitals and by this agreement are the exclusive rights to operate a street railway on that portion of Yonge street between the southern terminus of the company's railway and the present northern terminus at York Mills hill, and on Yonge street between the present northern terminus and Lake Simcoe for the period of 35 years from the 3rd day of February, 1894, so far as the county has power to grant the same, which shall be renewed at the expiration of such term and of each successive future term for such period and upon such terms and conditions as shall from time to time be mutually agreed upon between the county and the company or determined by arbitration under the provisions of *The Municipal Act*.

33. If at the expiration of any one of such terms, the company is unwilling to renew on the terms determined upon by such arbitration the county may, at its option, take over all the real and personal property used in connection with the working of the said railway at a value to be determined by arbitration as aforesaid. In determining such value nothing shall be allowed for any privilege or franchise extending beyond such expired term.

34. If the company neglect or refuse to complete and operate its railway over the entire extension between the present northern terminus and the northerly limit of Richmond Hill village, by the first day of October, 1895, the company shall forfeit the franchise granted by the above recited by-law and by this agreement in so far as it relates to the extension from the present northerly terminus to the northerly limit of Richmond Hill village, and this agreement shall become null and void, and the extension of the period granted by this agreement, during which the franchise for operating the company's present line is to exist beyond the period existing at the date hereof shall be taken not to have been granted and shall be null and void, and the agreements relating to the company's railway existing prior to the date of this agreement shall be deemed to be the agreements between the corporation and the company relating to the company's railway, provided, however, that if from any cause certified by the county engineer and solicitor to be unavoidable, the company is unable to complete such extension within the time aforesaid, and the company uses due diligence to have such cause removed, the time for completing such extension shall be extended by the committee until the next ensuing meeting of the council of the county.

35. If the company do not, within two years from the completion of the extension to the northern limit of Richmond Hill village make such progress with the further extension on Yonge street as is satisfactory to the council of the county, then the council may, at its option annul and avoid this agreement and all privileges thereunder so far as they relate to any further extension of the company's line on Yonge street beyond that portion of the line which has then been constructed. Provided, however, that if from any cause, certified by the county engineer and solicitor to be unavoidable, the company is unable to make such progress as aforesaid within the time aforesaid, and the company uses due diligence to have such cause removed, the time for proceeding with such extension shall be extended by the committee until the ensuing meeting of the council of the county.

36. There shall be no unnecessary delay on the part of the county or its officers in the granting of any certificate required by any of the provisions of this agreement, but the county and its officers shall and will in all things so far as is consistent with their duty, aid and assist the company in carrying out this agreement.

37. The company will construct, maintain and operate its railway in the manner, and upon the conditions in this agreement set forth, and will faithfully perform, fulfil and keep all the conditions, covenants and agreements in this agreement expressed and contained, or on the company's part to be performed, fulfilled and kept.

38. In the event of any differences arising between the county and the company as to any matter or thing to be done or performed under the terms of this agreement, then the same, except as hereinbefore provided, shall be referred for determination under the provisions of the Act relating to arbitrations and references to the Senior Judge of the County of York for the time being, and an appeal shall lie from his decision to the High Court of Justice or other Superior Court having jurisdiction in this province in such matters, and from that court an appeal shall lie to the Court of Appeal for Ontario, but no further or other appeal shall lie from the decision of such Court of Appeal for Ontario.

39. In the event of legislation being required to confirm this agreement the county will support such legislation.

40. In the event of this agreement being avoided or forfeited then the rights of the parties as they existed prior to the execution thereof shall remain unaffected, and as if this agreement had not been entered into, but any expense incurred under paragraph 28 of this agreement shall be paid by the company to the county.

In witness whereof the Municipal Corporation of the County of York has hereunto affixed its Corporate Seal by the hand of Donald G. Stephenson, the Warden, and George Eakin, the Clerk thereof, and the Metropolitan Street Railway Company has hereunto affixed its Corporate Seal by the hand of Charles D. Warren, the President.

Signed, sealed and delivered in the presence of

H. F. MacLeod.

D. G. Stephenson,
Warden.
[County Seal.

Geo. Eakin,
Clerk.

Chas. D. Warren, [Company Seal.]
President.

No. 32.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Metropolitan Railway Company.

First Reading 1897.

Mr. RICHARDSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 32] **BILL.** [1897.

An Act respecting the Metropolitan Street Railway Company.

WHEREAS the Metropolitan Street Railway Company has, under its Act of incorporation and amendments thereto, constructed and is now operating a railway in the city of Toronto and adjoining municipalities; and whereas the said company has by its petition prayed that an Act may be passed to extend its line of railway within the county of Simcoe and to build, equip and operate branches and extensions within the counties of York and Simcoe, to increase the number of its directors from time to time, to acquire the assets and franchises and to operate the railway of the Toronto Suburban Street Railway Company and otherwise to extend the powers of the company; and whereas it is expedient to grant the prayer of the said petition: Preamble

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1 The name of the said company is hereby changed to "The Metropolitan Railway Company" but the powers, rights and liabilities of the company shall not be affected in any manner by such change of name and all contracts *and agreements* made, powers exercised, and rights, *franchises* and property acquired by the said company under its prior corporate names shall remain valid and binding and become and be the contracts, *agreements*, powers, rights and property of the Metropolitan Railway Company. Name of company.

2. The company is hereby authorized and empowered to extend, equip, maintain and operate its line of railway within the counties of York and Simcoe to Lake Simcoe, and to build extensions and branches from its said railway and from any Powers of construction extended.

extension that may be constructed under the powers heretofore conferred upon the company to the town of Newmarket, and the villages of King, Markham, Weston, Woodbridge, Klineburg, Nobleton and Schomberg, all in the county of York, and to the villages of Tottenham, Beeton, Alliston and Bradford, to the town of Barrie, all in the county of Simcoe, and from the said town of Barrie, in a north-easterly direction, passing through the townships of Oro and South Orillia, to the town of Orillia or any point on Lake Couchiching in the said county of Simcoe; and also from the said town of Barrie, in a north-westerly direction, passing through the townships of Vespra, Sunnidale and Nottawasaga, to the town of Collingwood in the said county of Simcoe, and to equip, maintain and operate such extensions.

Gauge.

3. The gauge of the Company's railway may be four feet and ten and one half inches.

Carrying railway along streets and highways.

4. The said railway may be carried along and operated upon such streets and highways as have been or may be authorized by the respective corporations having jurisdiction over the same. And subject to the restrictions and provisions herein contained and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways.

Motive power.

5. The company may operate its railway or any part thereof by electricity, cable, or horse power. The company may use steam as a motive power in operating its railway or any part thereof along any street or highway if the corporation within the limits of which such street or highway is situate, consents, and any such corporation is hereby authorized and empowered to give such consent by by-law of its council passed at a meeting of which notice has been given in the *Ontario Gazette*.

Arrangements for supplying electric power.

6. The company may purchase or hire electric power from any municipality or other corporation, company or person and may operate any part of its railway as an electric railway and may construct, maintain and operate works for the production of electricity for motive power for the said railway and for lighting and heating the rolling stock of the company and the company may along that part of its line, branches and extensions outside of the present limits of the City of Toronto sell or lease the electricity so produced to any person or corporation and for such purposes shall possess the powers, rights and privileges conferred upon Joint Stock Companies incorporated under *The Act respecting Companies for Steam and Heating or for supplying Electricity for Light, Heat or Power*, but the said company shall not exercise any powers under the last mentioned Act without the consent of the municipality within

Rev. Stat., c. 165.

the limits of which such powers are to be exercised, which consent any such municipality is hereby authorized and empowered to give by by-law of the council ;

Provided that in the event of the city of Toronto extending its limits so as to include any portion of the said railway such extension of limits shall not affect the rights of the company at the date of such extension or its property then situate within such extended limits, and the powers conferred by this Act on the company shall remain as if the said city limits had not been extended, but nothing in this section shall be deemed to confer on the said company the right to sell electric power within the present limits of the city of Toronto and the said company shall not have such right notwithstanding the extension of the city limits as aforesaid. Proviso.

7. The company may enter into an agreement with any other company or companies if lawfully authorized to enteri nto such agreements or with any person or persons for leasing, hiring or use of any electric motors, carriages, cars, rolling stock, and other moveable property from such companies or persons for such time or times and on such terms as may be agreed on ; and also may enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, electric motors, carriages, cars, rolling stock and other moveable property of the other or others of them for the running of the cars or carriages of the company over the track of any other railway company with the consent of such company on such terms as to compensation and otherwise as may be agreed upon. Agreements with other companies.

8. The company is hereby authorized and empowered to agree with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Toronto Railway Company, the Dominion Express Company, and the Canadian Express Company, or either of them, if lawfully empowered to enter into such agreement, for the interchange of cars and traffic and for connections and running arrangements, upon terms to be approved of by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof. Running arrangements with C.P. Ry. Co., G.T. Ry. Co., etc.

9. The directors may pay or agree to pay in paid up stock or in the bonds of the company such sums as they may deem expedient to engineers or contractors, or for right of way, or material plant, or rolling stock, and also when sanc- Payments in paid up stock or bonds.

tioned by a vote of the shareholders at any general meeting for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking or for purchasing the right of way, material, plant or rolling stock whether such promoters or other persons be directors or not, and any agreement so made shall be binding on the company.

Bonds to be the first lien.

10. The series of bonds issued and to be issued (not exceeding $14,000 for each and every mile of single track of the company's railway and extensions and branches at the times of actual issue) secured by a first mortgage deed of trust dated the first day of February, 1897, which has been duly executed and delivered to the Trusts Corporation of Ontario as trustees and which has been deposited in the office of the Provincial Secretary is hereby ratified and confirmed and the said bonds shall be the first lien and charge upon the company's railway, undertaking, property and assets as provided by the said mortgage.

Power of directors to issue and sell debentures.

11.—(1) The directors of the company, under the authority of the shareholders to them given at any special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the stock of the company who have paid all calls due thereon are present in person or represented by proxy may, subject to the provisions in this Act contained, issue bonds, debentures or other securities to the extent limited by the Acts relating to the company for each and every mile of single track of the said railway, and extensions and branches; such bonds, debentures or other securities shall be signed by the president or other presiding officer and countersigned by the secretary, which countersignature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such time and in such manner and at such place or places in Canada or elsewhere and may bear such rate of interest, not exceeding six per centum per annum, as the directors think proper.

(*a*) The directors may issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions which at the time they may be able to obtain for the purpose of raising money for prosecuting the said undertaking.

(*b*) No such bond, debenture or other security shall be for a less sum than one hundred dollars.

(*c*) The power of issuing bonds heretofore and by this Act conferred upon the company hereby shall not be construed as being exhausted by such issue, but such power may be exercised from time to time

upon the bonds constituting such or any issue being withdrawn or paid off and duly cancelled, but no bonds or debentures shall be issued until $100,000 has been actually expended on the work.

(*d*) The power to issue bonds to a greater extent than $14,000 for each and every mile of single track of the company's railway and extensions and branches shall not be exercised while any of the bonds referred to in the *tenth* section of this Act subsist, without the consent of the holders of such bonds.

(*e*) Such bonds shall be issued only in proportion to the length of railway constructed or under contract to be constructed.

Mode of securing debentures.

(2) The company may secure such and any already existing bonds, debentures or other securities by a mortgage deed, creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future, or both, as are described in the said deed, but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the undertaking.

(*a*) By the said deed the company may grant to the holders of such and any already existing bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures or other securities. and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

(*b*) Every such mortgage deed shall be deposited in the office of the Provincial Secretary of which deposit notice shall be given by the company in *The Ontario Gazette*.

(*c*) It shall not be necessary in the exercise of the powers as to mortgaging to comply with the provisions of the *Act respecting Mortgages and Sales of Personal Property*, or any Act requiring the registration or renewal of mortgages of chattels, but the mortgage mentioned in section 10 of this Act, and any mortgage which may be executed by the company under the powers conferred upon it, shall, upon the

same being deposited in the office of the Provincia Secretary have full force and effect and priority, according to the time of deposit, and shall form a lien and encumbrance upon any personal property, or chattels therein embraced, to all intents and purposes, as therein expressed and set forth as if the provisions of the said Act respecting mortgages and sales of personal property, or any Act requiring registration or renewal of Mortgages of chattels, had been fully complied with, and the provisions of this section shall apply to the mortgage deed referred to in section 10 of this Act, and the deposit thereof in the office of the Provincial Secretary already made shall be deemed and taken to be the deposit mentioned in this section.

(3) Until they have been *surrendered and lawfully* cancelled the bonds, debentures or other securities hereby authorized to be issued shall together with the bonds referred to in the *tenth* section of this Act be taken and considered to be the first preferential claim and charge upon the company and the privileges acquired under the agreements by this Act confirmed, and the *franchise and* undertaking, tolls and income, rents and revenues and real and personal property thereof at any time acquired save and except as provided for in the next preceding subsection.

(*a*) Each holder of the said bonds, debentures or other securities and of the bonds referred to in the *tenth* section of this Act, shall, and until they have been *surrendered and lawfully* cancelled, be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities or of the interest thereon, except through the trustee or trustees appointed by or under the mortgage deed referred to in the *tenth* section of this Act, or any other mortgage deed given in substitution therefor or given to secure the bonds, debentures or other securities issued by the company after the mortgage referred to in the *tenth* section of this Act has been *so* cancelled.

(4) If the company makes default in paying the principal or interest on any of the bonds referred to in the *tenth* section of this Act, or any of the bonds, debentures or other securities hereby authorized at the time when the same by the terms of the bond, debenture or other security becomes due and payable, then at the next annual *general* meeting of the company, and at all subsequent meetings, all holders of bonds, debentures or other securities so being and remaining in default shall in respect thereof have and possess the same rights and privileges

and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.

(*a*) The rights given by this subsection shall not be exercised by any such holder, unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security in respect of which he claims to exercise such rights, has been registered in his name in the same manner as the shares of the company are registered at least ten days before he attempts to exercise the right of voting thereon, and the company shall be bound on demand to register such bonds, debentures or other securities, and any transfers thereof thereafter in the same manner as shares or transfers of shares.

(*b*) The exercise of the rights given by this subsection shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of any such mortgage deed.

(5) All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery until registration thereof as hereinbefore provided and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Provision for release of lands.

12. Any lands or chattel property which have become no longer useful or necessary for the purposes of the company may be released by the trustees of any mortgage securing the bonds of the company if a provision for such release is contained in the mortgage, and thereafter such released lands or chattel property shall be held freed and discharged from any lien created by the said mortgage or by any of the Acts relating to the company in favor of the said bondholders.

Agreement between M. S. R. Co. and T. S. S. R. Co.

13. The company and the Toronto Suburban Street Railway Company (Limited) are authorized and empowered to enter into an agreement whereby the company shall acquire from the Toronto Suburban Street Railway Company (*Limited*), all the assets, franchises, contracts, agreements, rights, powers and privileges, and all other real and personal property of the Toronto Suburban Street Railway Company (Limited), and in the exercise of the powers by this Act conferred the Metropolitan Railway Company may assume all the debts, liabilities, contracts, covenants, agreements and obligations of the Toronto Suburban Street Railway Company (Limited) previously in-

curred or entered into by it. And upon an indenture to such effect being executed between the two companies the Metropolitan Railway Company shall thereupon and thereby have vested in it all the assets, franchises, contracts, agreements, rights, powers, privileges and franchises of and belonging to the Toronto Suburban Street Railway Company (Limited), and all its real and personal property, subject to all liens, charges, covenants, debts, liabilities, agreements and obligations previously entered into by it. And the Metropolitan Railway Company shall stand in the place of the Toronto Suburban Street Railway Company (Limited) and become entitled to all benefits which the said company is or may be entitled to in respect of any statute of the Legislature of the Province of Ontario, or in respect of any by-law passed by any municipality, and in respect of any agreement into which the Toronto Suburban Street Railway Company (Limited) has entered, as fully and effectually as if the Metropolitan Railway Company had been named therein as an original party thereto. The Metropolitan Railway Company may make and issue as paid-up stock shares in the Metropolitan Railway Company, and may allot and hand over such stock in payment for the assets, property, rights and franchises of the Toronto Suburban Street Railway Company (Limited), and such issue and allotment of stock shall be binding on the Metropolitan Railway Company, and such stock shall not be assessable for calls.

Number of directors.

14. The number of directors of the said company shall be from time to time determined by by-law, but no such by-law shall be valid or acted upon, unless it is approved of at a special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company are present in person or represented by proxy, or until a copy of the by-law has been certified, under the seal of the company, to the Provincial Secretary, and also has been published in the *Ontario Gazette*.

Certain agreements confirmed.

15. And whereas by certain agreements between the municipal corporation of the county of York and the company dated respectively the 6th day of April, 1894, and the 7th day of February, 1896, which are set forth in schedules A and B to this Act, certain privileges and franchises were granted to the company upon its complying with the conditions therein set forth and with which the company has fully complied. It is therefore enacted that the said agreements and the privileges and franchises thereby created are hereby confirmed and declared to be existent and valid and binding upon the parties to the said agreements to the same extent and in the same manner as if the several clauses of such agreements were set out and enacted as part of this Act.

16. Notwithstanding any provision to the contrary in any other Act, the company's railway may cross the railway of any other company upon a level therewith with the consent of such other company, or with the authority of the Railway Committee of the Privy Council of Canada. Crossing other railways.

17. The several clauses of *The Electric Railway Act, 1895*, and of every Act in amendment thereof, shall only apply to the powers to be exercised by the company and to the railways and extensions constructed by it outside the county of York, except in so far as the same are inconsistent with the provisions of this Act. Application of 58 V., c. 3*, to extension outside of York county.

18. If the construction of the railway outside of the county of York is not commenced and ten per cent. on the amount of the capital is not expended thereon within three years after the passing of this Act, or if the railway outside the county of York is not finished and put in operation in five years from the passing of this Act, the corporate existence and powers of the company as to any part of the railway then uncompleted outside the county of York shall cease. Commencement and completion of extensions outside of York county.

19. All the provisions of the Acts incorporating and relating to the company which are inconsistent with this Act are hereby repealed. Inconsistent provisions of Acts repealed.

SCHEDULE A.

(Section 15.)

METROPOLITAN AGREEMENT.

This Indenture, made the sixth day of April, one thousand eight hundred and ninety-four, between the Municipal Corporation of the County of York, hereinafter called "the County," of the first part, and the Metropolitan Street Railway Company, hereinafter called "the Company," of the second part.

Whereas, under and by virtue of certain indentures dated respectively the 25th day of June, 1884; the 20th day of January, 1886; the 28th day of June, 1889; the 17th day of December, 1889; the 20th day of October, 1890, and the 2nd day of March, 1891, to each of which agreements the county is party of the first part and the company is party of the second part, the company is entitled to the exclusive right and privilege to maintain and operate its line of railway in, upon and along the portion of Yonge street lying between what was the northern limit of the city of Toronto, on the 25th day of June, 1884, and the present northern terminus of the company's railway at the top of York Mills hill;

And whereas the company is authorized and empowered by statute made in that behalf to extend, equip, maintain and operate its line of railway within the county of York to Lake Simcoe, or to any intermediate point between such present northern terminus and Lake Simcoe, provided that any such extension is to be made with the consent of the county, and subject to any agreement which may be made between the company and the county;

And whereas the county have under the provisions of its by-law, No. 671, consented to an extension of the company's line of railway on Yonge street northerly from the present terminus, upon the terms and conditions hereinafter set forth, and to enter into an agreement with the county such as is hereinafter contained;

Now this Indenture witnesseth that the county and the company have covenanted and agreed and by these presents do covenant and agree each with the other, as follows:

1. The company shall have the right so far as the county has power to grant the same, to extend and operate its line of railway by electric, cable, or horse power from its present terminus northerly on Yonge street to Lake Simcoe.

2. The company may make, build and construct the section of such extension of its line of railway between the present terminus at York Mills hill and the northern limit of Richmond Hill village by the 1st day of October, 1895, the tracks to be located according to the plans marked "A" and signed by the parties hereto and remaining of record in the office of the county's engineer, where reference thereto may be had, which plans are hereby incorporated with, and made part of this agreement.

3. Before the work is commenced upon any section of such extension of the company's railway beyond the northern limit of Richmond Hill, the plans setting forth the proposed location of the company's tracks shall be approved by the committee named in the by-law hereinbefore recited, or any committee which may hereafter from time to time be appointed by the County Council for the purpose of carrying this agreement into effect and which is in this agreement referred to as "the committee."

4. The location of the company's tracks shewn upon any of the plans mentioned shall not be altered without the consent of the committee.

5. The line shall not be put in operation upon any section of such extension until after the county engineer has certified that such section has been constructed in compliance with the provisions of this agreement.

6. The company undertake that if any extension of its line be made beyond the present terminus at York Mills hill, the same shall be built through, and completed to the northern limit of Richmond Hill village,

and that if any extension be made beyond such northern limit of Richmond Hill village, the same shall be built through and completed to Bond lake.

7. The company for the purpose of operating its railway may

(1) Lay down such tracks, rails, cables, conduits and substructures upon such portions of Yonge street as may be occupied by the company's railway.

(2) Maintain and erect such poles on Yonge street as may be necessary for the purpose of carrying wires and supporting the appliances necessary for operating the company's railway, and for conducting electricity in connection with any of the purposes provided for in the various Acts relating to the company, provided that no wires shall be strung at a less height than fourteen feet from the ground.

(3) Construct, put in and maintain such culverts, switches and turnouts as may from time to time be found to be necessary for the operating of the company's line of railway on Yonge street, or leading to any of the cross streets leading into or from Yonge street, or for the purpose of leading to any track allowances or rights of way on lands adjacent to Yonge street, where the company's line deflects from Yonge street, or to the company's power houses and car sheds, and the company may from time to time alter the location of such culverts, switches and turnouts.

8. The company may, with the consent of the committee, change the location of its lines of track to any portion of Yonge street, other than those now or hereafter to be occupied by the company's lines of tracks.

9. All tracks laid on any portion of the street or road, which at present is macadamized, shall so far as is practicable, and where directed by the county engineer, conform to the grade of the street or road.

10 The company shall at all places where switches and turnouts are constructed, macadamize such portion of the travelled road within, and alongside of such switches and turnouts as the engineer of the county shall direct.

11. The company may deflect its line from Yonge street and operate the same across and along private properties after expropriating the necessary rights of way under the provisions of the Statutes in that behalf

12. If the company neglect to keep in repair the track allowances and crossings, switches and turnouts referred to in paragraphs numbered 7, 8, 9 and 10, or to have the necessary repairs according to this agreement made thereon, the county may give notice to the company requiring such repairs to be forthwith made, and the certificate of the county engineer for the time being as to the necessity for such repairs shall be binding and conclusive upon the company, and if after the giving of such notice the company do not within one week begin, and thereafter, with all resonable diligence, carry such work of repairing to completion, the county shall have the right to cause such repairs to be made, and the company shall pay to the county the expenditure incurred in making or completing such repairs.

13. Where the track runs on any portion of the street or road which at present is used for general travel by the public, the whole space occupied as track a lowances (viz., for single tracks eight feet, for double tracks thirteen feet) shall be kept in good order and repair to the satisfaction of the county engineer.

14. At the intersection of the company's railway and cross streets or highways crossing Yonge street, the company shall construct and keep in repair crossings of a similar character to those adopted by the county, and shall construct underneath its track allowances such culverts and waterways as are in the opinion of the county engineer necessary for drainage purposes, and shall, at the entrances to private properties which the company's railway crosses, construct such approaches as the county engineer directs. Where the company's tracks are built over any existing culverts then the company shall extend such culverts when directed by the county engineer so that the travelled road shall have a width of 18 feet between the company's tracks and the end of the culvert on the opposite side of the road.

15. If the county at any time hereafter alter the course of the main branch of the Don river where it crosses Yonge street at York mills then the company shall construct such works as are necessary to enable its tracks to be built over the stream as so diverted.

16. The company may at any time hereafter change the gauge upon its railway now constructed or that may be hereafter constructed by the said company under any authority of the council of the said county of York, from the now, or then existing gauge to the standard railway gauge, being four feet eight and one-half inches, or to such gauge as may hereafter be adopted as a standard electrical railway gauge, or to such gauge as may be in use upon the street railways or tramways in the city of Toronto, in the discretion of the company, and may with the consent of the committee change the rail now in use by the said company on its railway or that may be in use upon its railway now or hereafter to be constructed.

17. All works necessary for changing the said gauge or rails shall be made in a substantial manner, according to the best modern practice under the supervision, and to the satisfaction of the county engineer for the time being.

18 The company shall have the right to remove the snow from, and within its tracks and switches, provided that any snow put upon the graded part of the road by the company shall be evenly spread thereon in a manner to be approved by the county engineer.

19. In case the electric motors or cars used by the company in operating its railway, whilst passing along the railway, cause alarm to any horses travelling or being upon Yonge street with vehicles or otherwise, the motors or cars of the company shall, if necessary, be stopped, to enable the horses so alarmed to pass without accident or injury, and if necessary the servants of the company in charge of such motors or cars shall assist the person or persons riding or driving, or in charge of such horse or horses that may be alarmed, in endeavoring to prevent accident or injury to the person or persons, horse or horses, vehicles or other property of persons travelling, using or upon Yonge street.

20 The company shall, u less prevented by accident or other unavoidable cause, run at least two trips each way, morning and evening, on a regular time table, at such hours as will best meet the wants of the residents along and adjacent to Yonge street and the general public; and in the event of the company's tracks being blocked with snow to such an extent that traffic is interrupted for the continuous space of 24 hours, from the hour of 7 p.m. of the day on which traffic is first interrupted, then the company shall provide one sleigh or vehicle each way every day for the purposes of travel between the southern terminus of the company's line of railway and Richmond Hill village, and continue the running of the same until the company's line of railway be cleared and again put in operation.

21. The speed of the cars shall not exceed, or be increased beyond twenty (20) miles an hour. All motors and cars run upon the company's railway for the purpose of carrying milk, shall be stopped for the purpose of loading and unloading milk cans at such stations or stopping places as are from time to time designated by the county engineer, provided, however, that in determining the places at which stops are to be made, no more than two stopping places in any half mile section shall be designated.

22. Passenger car conductors shall clearly announce the names of cross streets, cross roads and public places as the cars reach them.

23 The county may at any time, after giving to the company 20 days notice of its intention so to do, take up any part of the street or road, along which the company's railway is constructed, for the purpose of altering the street or road grade, constructing sewers, drains, culverts or side crossings, laying down gas and water pipes or underground wires, and for all other purposes within the province and privileges of a municipal corporation, without being liable for any compensation or damage that may be occasioned to the working of the railway or the works connected therewith. When and so often as it may be necessary for the county to

open the road or street for the purpose of repairing such street or road, sewer, drains, culverts, gas or water pipes, or underground wires, or putting in gas, water or other services, a reasonable notice shall be given to the company of the county's intention so to do, and the work thereon shall not be unnecessarily delayed but shall be carried on and completed with all reasonable speed, due regard being had to the proper and efficient execution thereof.

24. When the street between the limits of the city of Toronto and Mount Pleasant cemetery is to be paved in a permanent manner on concrete or other foundation, then the company, on being required by the county so to do, shall remove its present rails and tracks to, and lay a double track along the centre of the street between such limits, according to the best modern practice. The company shall not be required to do the excavating necessary for the laying of such double track, or prepare the proper foundation therefor, but shall bear all expense in removing such track and rails and laying the same upon the foundation so to be prepared The company shall not be bound to make or keep in repair such permanent roadway occupied by its track allowances, but shall maintain the ties, stringers, rails, turnouts, curves, etc., upon such double track, and in the event of the company desiring to make any repairs to such ties stringers, rails, turnouts, curves, etc., the company shall repave the portion of the roadway so torn up at its own expense.

25. The fares to be charged by the company shall not exceed a rate per mile of three cents, provided, however that if the rate per mile be hereafter fixed by any Act having general application to railways at a less rate than three cents per mile, then the fares to be charged shall not exceed the rates so fixed by such Act, but the company shall not be bound to carry any passenger any distance for less than five cents.

26. The company shall use its railway for the conveyance of such freight, goods or merchandise as shall from time to time be named by the committee, but the company shall not be compelled to carry more than four tons of freight per car, and the rates to be charged therefor shall from time to time be agreed upon by and between the council of the county or the committee on the one part, and the company on the other part, and in case any difference shall arise in settling or fixing upon the rates to be charged, then the same shall be submitted to the Lieutenant-Governor in Council who shall determine, settle and approve of the rates to be charged by the company, and all rates that may be charged, whether agreed upon in such manner or otherwise settled, shall be subject to the revision of the Lieutenant-Governor in Council from time to time. The directors of the company shall from time to time print and stick up, or cause to be printed and stuck up, in the company's offices and in all and every of the places where such rates are to be collected, a painted or printed board or paper exhibiting all the rates chargeable by the company for the carriage of freight, goods or merchandise, or of any matter or thing.

27. All work done under the authority of this agreement shall be done in the most substantial manner and according to the best modern practice under the superintendence and to the satisfaction of the county engineer with a right of appeal to the committee whose decision shall govern.

28. The alignment of the company's tracks, the location of switches and the grades of the roadbed of its railway shall be prescribed by the county engineer.

29. The company shall repay to the county all sums paid by it to the county engineer for services performed by him in connection with the company's work.

30. All persons using the said portions of Yonge street shall be at liberty to travel upon any portion of the travelled roadway occupied by the company's railway, and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portions of the highway, it being provided, however, that the company's cars shall have the first right of way over the said railway, and all vehicles or persons travelling on that portion of the highway occupied by the rail-

way, shall turn out upon meeting or being overtaken by any of the company's cars, so as to give them full right of way.

31. The company shall be liable to the county for, and shall indemnify the county against all damages arising out of the construction or operation of the company's railway or by reason of the existence of the company's railway and ties and poles upon the roads, whether such damages are occasioned while running at a speed authorized by this agreement or otherwise, and for and against the county's cost and expenses of and incidental to claims for such damages.

32. The privileges and franchises granted by the agreements referred to in the above recitals and by this agreement are the exclusive rights to operate a street railway on that portion of Yonge street between the southern terminus of the company's railway and the present northern terminus at York Mills hill, and on Yonge street between the present northern terminus and Lake Simcoe for the period of 35 years from the 3rd day of February, 1894, so far as the county has power to grant the same, which shall be renewed at the expiration of such term and of each successive future term for such period and upon such terms and conditions as shall from time to time be mutually agreed upon between the county and the company or determined by arbitration under the provisions of *The Municipal Act*.

33. If at the expiration of any one of such terms, the company is unwilling to renew on the terms determined upon by such arbitration the county may, at its option, take over all the real and personal property used in connection with the working of the said railway at a value to be determined by arbitration as aforesaid. In determining such value nothing shall be allowed for any privilege or franchise extending beyond such expired term.

34. If the company neglect or refuse to complete and operate its railway over the entire extension between the present northern terminus, and the northerly limit of Richmond Hill village, by the first day of October, 1895, the company shall forfeit the franchise granted by the above recited by-law and by this agreement in so far as it relates to the extension from the present northerly terminus to the northerly limit of Richmond Hill village, and this agreement shall become null and void, and the extension of the period granted by this agreement, during which the franchise for operating the company's present line is to exist beyond the period existing at the date hereof shall be taken not to have been granted and shall be null and void, and the agreements relating to the company's railway existing prior to the date of this agreement shall be deemed to be the agreements between the corporation and the company relating to the company's railway, provided, however, that if from any cause certified by the county engineer and solicitor to be unavoidable, the company is unable to complete such extension within the time aforesaid, and the company uses due diligence to have such cause removed, the time for completing such extension shall be extended by the committee until the next ensuing meeting of the council of the county.

35. If the company do not, within two years from the completion of the extension to the northern limit of Richmond Hill village make such progress with the further extension on Yonge street as is satisfactory to the council of the county, then the council may, at its option annul and avoid this agreement and all privileges thereunder so far as they relate to any further extension of the company's line on Yonge street beyond that portion of the line which has then been constructed. Provided, however, that if from any cause, certified by the county engineer and solicitor to be unavoidable, the company is unable to make such progress as aforesaid within the time aforesaid, and the company uses due diligence to have such cause removed, the time for proceeding with such extension shall be extended by the committee until the ensuing meeting of the council of the county.

36. There shall be no unnecessary delay on the part of the county or its officers in the granting of any certificate required by any of the provisions of this agreement, but the county and its officers shall and will in

all things so far as is consistent with their duty, aid and assist the company in carrying out this agreement.

37. The company will construct, maintain and operate its railway in the manner, and upon the conditions in this agreement set forth, and will faithfully perform, fulfil and keep all the conditions, covenants and agreements in this agreement expressed and contained, or on the company's part to be performed, fulfilled and kept.

38. In the event of any differences arising between the county and the company as to any matter or thing to be done or performed under the terms of this agreement, then the same, except as hereinbefore provided, shall be referred for determination under the provisions of the Act relating to arbitrations and references to the Senior Judge of the County of York for the time being, and an appeal shall lie from his decision to the High Court of Justice or other Superior Court having jurisdiction in this province in such matters, and from that court an appeal shall lie to the Court of Appeal for Ontario, but no further or other appeal shall lie from the decision of such Court of Appeal for Ontario.

39. In the event of legislation being required to confirm this agreement the county will support such legislation.

40. In the event of this agreement being avoided or forfeited then the rights of the parties as they existed prior to the execution thereof shall remain unaffected, and as if this agreement had not been entered into, but any expense incurred under paragraph 28 of this agreement shall be paid by the company to the county.

In witness whereof the Municipal Corporation of the County of York has hereunto affixed its Corporate Seal by the hand of Donald G. Stephenson, the Warden, and George Eakin, the Clerk thereof, and the Metropolitan Street Railway Company has hereunto affixed its Corporate Seal by the hand of Charles D. Warren, the President.

Signed, sealed and delivered in the presence of

H. F. MacLeod.

D. G. Stephenson,
Warden.
{Seal. County of York.}

Geo. Eakin,
Clerk.

Chas. D. Warren,
President.
{Seal. The Metropolitan Street Railway Co. of Toronto.}

SCHEDULE B.

(Section 15.)

This indenture made in duplicate the seventh day of February, one thousand eight hundred and ninety-six, between the Municipal Corporation of the County of York, hereinafter called "the County" of the first part, and The Metropolitan Street Railway Company, hereinafter called "the Company" of the second part.

Whereas, under and by virtue of an agreement, dated the 6th day of April, 1894, made between the county and the company, under the provisions of by-law number 671 of the county, it was provided that the company should complete their line of railway to Richmond Hill on or before the first day of October, 1895;

And whereas, by by-law number 699 of the county, by-law number 671 was amended by erasing from the fifth paragraph thereof the words "first of October, 1895," and by inserting in lieu thereof the following words "20th November, 1896;"

And whereas it is provided in said by-law number 699 that such extension should not take effect unless and until the company deposits with the county treasurer the sum of $1,000, or a bond, satisfactory to the county solicitor and treasurer, for that sum, which sum should be forfeited, or such bond should be enforced, in the event of the company not completing the extension of the line to Richmond Hill by the said 20th day of November, 1896;

And whereas it was further provided by said by-law number 699 that an agreement should be entered into embodying the terms of said by-law and confirming said agreement, dated 6th day of April, 1894, as varied by the said by-law, and that such agreement should be executed on behalf of the county after same had been approved by the county commissioners;

And whereas, this agreement is made in pursuance of said by-law number 699, and has been approved by the commissioners of the county of York.

Now, therefore, this indenture witnesseth that the county and the company have covenanted and agreed, and by these presents do covenant and agree each with the other as follows:—

1. The company may make, build and construct an extension of its line of railway between its present terminus at York Mills hill and the northern limit of Richmond Hill village, by the 20th day of November, 1896.

2. If the company neglect or refuse to complete and operate its railway over the entire extension between the present northern terminus and the northerly limit of Richmond Hill village by the 20th day of November, 1896, the company shall forfeit the franchise granted by the above recited by-law number 671, and the above recited agreement, and by the above recited by-law number 699, and by this agreement, and this agreement shall become null and void, and the extension of the period granted by this agreement, during which the franchise for operating the company's present line is to exist beyond the period existing at the date hereof shall be taken not to have been granted and shall be null and void, and the agreements relating to the company's railway existing prior to the date of this agreement shall be deemed to be the agreements between the corporation and the company relating to the company's railway.

3. All provisions, covenants and conditions contained in the said agreement between the county and the company, dated the 6th day of April, 1894, which are inconsistent with this agreement, are, by mutual consent, hereby rescinded, and the said agreement is in all other respects hereby confirmed.

4. It is further agreed by the county and the company that this agreement shall not take effect or possess any operative force whatever unless and until the company deposits with the treasurer of the County of York the sum of $1,000, which sum shall be forfeited to the Corporation of the county of York unless the company completes the said street railway to

the northern limit of Richmond Hill village on or before the said 20th day of November, 1896, or at the option of the company unless and until the company execute a bond to be approved by the solicitor of the county of York and the treasurer thereof conditioned in the sum of $1,000, which sum shall become payable to the Corporation of the County of York if the company shall fail to build a line of street railway between its present terminus and the northern limit of Richmond Hill village on or before the said 20th day of November, 1896.

In witness whereof the said Corporation of the County of York has hereunto affixed its corporate seal by the hand of Jonathan Slater, Esq., the Warden of the said County, and George Eakin, Esq., the Clerk thereof, and the said the Metropolitan Street Railway Company has hereunto affixed its corporate seal by the hand of Charles D. Warren, president thereof.

Signed, sealed and delivered in the presence of

WALTER BARWICK, as to signature of C. D. Warren.

JON. SLATER, Warden. (Seal County of York.)

GEO. EAKIN, Clerk.

CHAS. D. WARREN. President. (Seal The Metropolitan Street Railway, Co., of Toronto.)

3—32

No. 32.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Metropolitan Street Railway Company.

First Reading, 3rd March, 1897.

(Reprinted as amended by Railway Committee.)

Mr. RICHARDSON,

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 33. **BILL.** [1897.

An Act to amend the Act to incorporate The Ontario Ship Railway Company.

Preamble.

WHEREAS The Ontario Ship Railway Company was duly incorporated by an Act passed in the 55th year of Her Majesty's reign, chaptered 97, and by the said Act the said company was duly authorized and empowered to construct the works in the said Act mentioned within the times in the said Act specified; and whereas owing to the unsettled condition of the money market resulting from the failure of important financial institutions, and owing to the postponement for the time being of the completion of the Chignecto Transmarine Railway enterprise, the said The Ontario Ship Railway Company has up to the present time been unable to complete satisfactory financial arrangements for the construction of the works contemplated by the said Act of incorporation; and whereas the time limited for the commencement of the said work is about to expire, and the said company has by its petition prayed that the time for commencement and completion of the company's undertaking may be extended; and whereas it it expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and wtth the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 97, s. 41 repealed.

1. Section 41 of the Act passed in the 55th year of Her Majesty's reign, chaptered 97, is repealed, and, subject to the provisions hereinafter contained, the said Act is hereby declared to be and to have continued to be in force in the same manner and to the same extent as if the said section 41 had not been enacted.

Time for commencement and completion of works extended.

2. If the construction of the said railway and works authorized by the said Act of incorporation is not commenced and ten per centum of the capital stock expended therefor within five years after the passing of this Act, and if one single track of the railway is not finished and put in operation within ten years after the passing of this Act, the corporate existence and powers of the company shall cease; but nothing in this Act or in the said Act of incorporation contained shall prevent the company from putting down additional tracks after the expiration of ten years from the passing hereof.

No. 33.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend the Act to incorporate The Ontario Ship Railway Company.

First Reading.

(Private Bill.)

Mr. CONMEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 34.] **BILL.** [1897.

An Act respecting the Town of North Toronto.

Preamble.

WHEREAS the municipal corporation of the town of North Toronto on the 19th day of January, 1897, passed a by-law of the said corporation numbered 323 to reduce the number of councillors in the town of North Toronto; and whereas the said municipal corporation on the 2nd day of February, 1897, passed a by-law of said corporation, numbered 324, to repeal by-law number 78 (respecting local improvements in the town of North Toronto), which said by-laws are set forth in schedules A and B respectively to this Act; and whereas the municipal corporation of the county of York has abandoned that portion of Yonge street situate within the limits of the said the corporation of the town of North Toronto; and whereas it is desirable that the said the corporation of the county of York should pay to the said the corporation of the town of North Toronto compensation towards the maintenance of the said street; and whereas the said the corporation of the town of North Toronto by its petition has represented that it is necessary and expedient and of advantage to the said municipality that the said by-laws should be ratified and confirmed, and that power to demand and receive compensation from the said the corporation of the county of York towards the maintenance of Yonge street should be given to the said the corporation of the town of North Toronto, and has prayed for other special legislation in respect of the several matters therein and hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws Nos. 323 and 324 confirmed.

1.—(1) The by-laws numbered respectively 323 and 324 of the Corporation of the Town of North Toronto, which are fully

set forth in the schedules A and B to this Act are hereby confirmed and declared to be legal and valid to all intents and purposes.

(2) Nothing in this section contained shall prejudice any action or proceeding now pending.

Corporation empowered to reduce municipal council.

2. The said the corporation of the town of North Toronto is hereby authorized and empowered, without a vote of the electors of the said town, to pass a by-law to further reduce the number of representatives in the municipal council of the said corporation either by abolishing the offices of reeve and deputy-reeves or by reducing the number of councillors in each ward to one.

Empowered to receive $800 per annum from county.

3.—(1) The municipal corporation of the town of North Toronto is hereby authorized and empowered to demand and receive payment from the corporation of the county of York of the sum of $800 per annum towards the cost of maintenance of that portion of Yonge street situate and being within the limits of the town of North Toronto.

(2) The municipal corporation of the county of York is hereby authorized and empowered to make such payment of $800 per annum to the corporation of the town of North Toronto, and for such purpose to pass a by-law at the last session in each year of the county council of said county.

(3) In case the said county council shall at any time or times neglect to pass such by-law, or in case default in payment of such sum or any part thereof shall at any time or times be made, so often as such neglect or default shall occur the said the corporation of the town of North Toronto may sue for and recover judgment for the amount unpaid, together with the costs of action, by an action against the corporation of the county of York in the High Court of Justice or other court of competent jurisdiction, and may upon such judgment take all such steps and proceedings to realize the amount thereof as may be taken to recover upon an ordinary judgment against a municipal corporation.

Empowered to extend water works system.

4.—(1) The municipal corporation of the town of North Toronto is hereby authorized and empowered to extend the system of water works of the said corporation to such extent as may be necessary to secure a good and sufficient supply of water for the said corporation and the inhabitants thereof and of the adjacent township of York to a distance of three miles from the respective limits of the said town, such expenditure to be made either in the cost of deepening and enlarging one or more of the present wells, or in putting in a new well or new wells, or in the removal of the buildings and machinery now constructed and in use, or in procuring such new machinery as may be necessary, or in both manners; or in constructing such

new lines of mains as may be necessary to effect the supply of water as aforesaid, which expenditure may be made without the by-law authorizing the same being voted upon by the ratepayers.

(2) To meet the cost of such expenditure it may, without a vote of the ratepayers being taken on the by-law therefor, be lawful for the corporation of the town of North Toronto to issue debentures in sums of not less than $100 each payable in 30 years at farthest from the dates of the respective issue thereof; and the said corporation for the purpose of meeting the interest on said debentures and providing a sinking fund for the payment of the said debentures at the maturity thereof may levy annually by a general special assessment on the whole ratable property of the said town in such manner as general special rates are levied under *The Municipal Act* (but without the necessity of a vote of the ratepayers being taken thereon) such sum or sums as may be necessary for the purposes aforesaid.

(3) The said the corporation of the town of North Toronto may invest sinking funds belonging to the said corporation which they may now have or may hereafter acquire in the purchase of such debentures.

Empowered to aid street railway company.

5. The said municipal corporation may, if deemed advisable, aid any street railway company which may have constructed, or which may hereafter construct, maintain, complete and operate a line of street railway into and from the city of Toronto, in such sum as may seem advisable, by granting money or debentures by way of bonus or gift or by way of loan to such company.

Empowered to demand assignment of rights of county in respect of M. S. Ry. Co.

6. The corporation of the town of North Toronto is hereby authorized and empowered to demand and receive from the corporation of the county of York, and the corporation of the county of York is hereby authorized to make a good and valid assignment of all the rights of the corporation of the county of York over the Metropolitan Street Railway Company and its tracks, switches and rolling stock in so far as the same are situate within the limits of the said the corporation of the town of North Toronto.

Empowered to impose dog tax.

7. It shall be lawful for the municipal corporation of the town of North Toronto, at such time in each year as to the said corporation may seem most advisable, to authorize the chief constable of the said town to collect from the owner of every dog in the said town the sum of $1, and from the owner of each bitch in the said town the sum of $2, with full power, where the owner of said dog refuses to pay such tax to the said chief constable, to report the same under oath to any Justice of the Peace, and such justice shall by an order under his hand and seal to be served by such chief constable, require

such dog or bitch to be destroyed by the owner thereof, and if such owner neglects or refuses to obey the said order he shall be liable to a penalty of not less than $2 and not more than $10, to be recovered in the same manner as other penalties.

SCHEDULE A.

No. 323.

A By-law to reduce the number of councillors in the Town of North Toronto.

Whereas George Lawson and 130 others, being not less than 100 of the duly qualified electors (having a right to vote at municipal elections in the Town of North Toronto) have petitioned the municipal council of said town praying that a by-law be passed to reduce the number of councillors representing the town for the wards of Eglinton West, Eglinton East and Davisville, respectively, to two for each ward in lieu of three as at present.

And whereas it is expedient to grant the prayer of said petition;

Be it therefore enacted by the municipal council of the corporation of the town of North Toronto;

1. That, pursuant to the provisions of section 69 of *The Consolidated Municipal Act, 1892*, chapter 42, and in accordance with the prayer of the petition, as aforesaid, the number of councillors representing the town of North Toronto, for the wards of Eglinton West, Eglinton East and Davisville, respectively, shall be reduced from "three" (the present number of councillors for each ward) to "two" councillors for each of the wards aforesaid.

2. Be it further enacted by the said municipal council of the town of North Toronto, that the votes of the electors of the said town of North Toronto will be taken on this by-law by the deputy returning officers hereinafter named, on Monday, the fourth day of January, 1897, commencing at 9 o'clock a.m., and continuing until 5 o'clock p.m., at the undermentioned places:—Eglinton Ward West, at the Town Hall, by C. H. Kerswill; Eglinton Ward East, at Douglas' wagon shop, by William Douglas; Davisville Ward, at Lawson's office, by William Brown.

3. That the town clerk shall be the returning officer for the purpose of taking said votes given for and against the said by-law, and shall on Monday, the fourth day of January, 1897, in the Town Hall in North Toronto, at the hour of 8 o'clock in the evening, proceed to sum up the number of votes given for and against this by-law.

4. That the mayor will attend at the Town Hall on Saturday, the second day of January, 1897, at 8 o'clock, p.m., to appoint in writing two persons to attend to the final summing up of the votes of the electors by the clerk and one person to attend at each polling place in behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number in behalf of the persons interested in and desirous of opposing the passing of this by-law.

5. This by-law shall take effect on, from and after the final passing thereof.

6. If at the summing up of the votes by the clerk on the day named in section 3 of this by-law, it be found that a majority of the electors voting on this by-law have assented to the passing thereof, the clerk shall duly examine the statement of votes given at the municipal elections for the office of councillor, and shall (at the time appointed by statute) publicly declare to be elected the two candidates having the largest number of votes

for said office of councillor in each of the wards mentioned in section 1 of this by-law, and the candidates only who have been publicly declared to be elected for the office of councillor as aforesaid, shall claim and have a right to a seat in the municipal council of the town of North Toronto for the year 1897; and in all subsequent elections and until this by-law is repealed, the council of said town to be elected shall consist of a mayor, reeve, deputy-reeves and six councillors, two councillors to be elected for each ward as aforesaid.

Passed January 19th, 1897.

W. J. DOUGLAS, Clerk. J. S. DAVIS, Mayor.

[Seal]

SCHEDULE B.

No. 324.

A By-law to repeal By-law No. 78 (respecting Local Improvements in the Town of North Toronto).

Whereas by-law No. 78, passed by the municipal council of the corporation of the town of North Toronto, on the 21st day of July, 1891, with the assent of the electors of said municipality, according to the provisions of chapter 184, R. S.O., 1887, section 625, provides:—

1. That from and after the final passing of this by-law all future expenditure in the town of North Toronto for the improvements and services hereinafter mentioned, for which special provisions are made in sections 612 and 629 of *The Municipal Act*, chapter 184, Revised Statutes of Ontario, and *The Municipal Amendment Act, 1890*, section 38, amending said section 612, that is to say:—

1st. Deepening any stream, creek, or water course, and draining any locality; making, enlarging, or prolonging any common sewer; opening, widening, prolonging, or altering, macadamizing, grading, levelling, paving, or planking any street, lane, alley, public way, or place; constructing any sidewalk, bridge, culvert or embankment, forming part of a highway in said town; curbing, sodding, or planking any street, lane, alley, square or other public place in said town; and reconstructing as well as constructing any of said works or improvements;

2nd. And the cutting of grass and weeds and trimming the trees or shrubbery on, and the sweeping, watering and lighting of all streets, squares, alleys and lanes in the Town of North Toronto in such districts as may be hereafter set apart by by-law, under the provisions of sections 625 and 629 of the said Municipal Act;

Shall be by special assessment on the property benefited and not exempt by law from such assessment.

And whereas, by section 1 of by-law No. 202a, passed by the municipal council of the corporation of the Town of North Toronto, with the assent of the electors of said municipality, clause 2 of section 1 of said by-law No. 78 was repealed.

Be it therefore enacted by the municipal council of the corporation of the Town of North Toronto:—

1. That section 1, or all that portion of by-law No. 78 not previously repealed by the passage of by-law No. 202a, be and the same is hereby repealed.

2. Be it further enacted by the said municipal council of the Town of North Toronto that the votes of the electors of the said Town of North Toronto will be taken on this by-law by the deputy returning officers hereinafter named on Monday, the fourth day of January, 1897, commencing at 9 o'clock a.m. and continuing until 5 o'clock p.m., at the

undermentioned places : Eglinton Ward West, at the Town Hall, by C. H. Kerswill ; Eglinton Ward East, at Douglas' wagon shop, by William Douglas ; Davisville Ward, at Lawson's office, by William Brown.

3. That the town clerk shall be the returning officer for the purpose of taking said votes given for and against the said by-law on Tuesday, the fifth day of January, 1897, in the Town Hall in North Toronto, at 12 o'clock noon.

4. That the mayor will attend at the Town Hall on Saturday, the 2nd day of January, 1897, at 8 o'clock p.m. to appoint in writing two persons to attend to the final summing up of the votes by the clerk and one person to attend at each polling place in behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number in behalf of the persons interested in and desirous of opposing the passing of this by-law.

Passed February 2nd, 1897.

W. J. Douglas, Clerk. J. S. Davis, Mayor.

[Seal.]

No. 34.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Town of North Toronto.

First Reading, 1897.

(Private Bill.)

Mr. CHARLTON.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 35.] BILL. [1897.

An Act to incorporate The Annual Conferences of the Free Methodist Church in Ontario.

Preamble.

WHEREAS The General Annual Conference of the Free Methodist Church of Ontario in Canada, was incorporated by an Act passed in the 47th year of Her Majesty's reign, chaptered 85; and whereas the membership of the said church has greatly increased since the passing of the said Act; and whereas the said Conference has by its petition prayed that the powers conferred by the said Act may be transferred to the two Annual Conferences of the said church in Ontario, being respectively the West Ontario Annual Conference of the Free Methodist Church, and the East Ontario Annual Conference of the Free Methodist Church, and that the said two Annual Conferences may be incorporated with the same powers as were by the said Act conferred upon the said General Annual Conference; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation of West Ontario Annual Conference.

1. The President and clerical and lay members of the conference of the Free Methodist Church within the limits of the West Ontario Annual Conference of the said Church, being all that part of the Province of Ontario comprised in the counties and districts lying to the west of the counties of Peel and Simcoe and the District of Nipissing, from time to time duly appointed according to the discipline of the Free Methodist Church, shall be and are hereby declared to be a body corporate and politic by the name and style of "The West Ontario Annual Conference of the Free Methodist Church."

Incorporation of East Ontario Annual Conference.

2. The president and clerical and lay members of the conference according to the doctrines and discipline of the Free Methodist Church within the limits of the East Ontario Annual Conference of the said church, being all that part of the Province of Ontario not comprised within the limits of the said West Annual Conference, shall be and are hereby declared to be a body politic and corporate by the name and style of "The East Ontario Annual Conference of the Free Methodist Church."

Appointment of officers by-laws, etc.

3. It shall be lawful for the regular members of each of the said Conferences at its regular constitutional meetings to appoint such officers and to make and ordain such by-laws and regulations in relation to the management and disposition of its real and personal estate, the duties of its officers, and the management of its corporate offices, as they shall think proper, provided they are not inconsistent with the doctrines and discipline of The Free Methodist Church or with any Act or law in that behalf in force within this Province.

Property held by or in trust for General Conference transferred to Annual Conferences.

4. From and after the passing of this Act, all and singular, the property, real and personal, rights, credits and assets, of every description held by or in trust for the General Annual Conference of the Free Methodist Church of Ontario in Canada, arising or situate within the limits of either of the said Annual Conferences respectively, shall be vested in and shall be held by such Annual Conference upon the same trusts, and to and for the same uses and subject to the same conditions as such property, rights, credits and assets were vested in, and held and enjoyed by or in trust for the said General Annual Conference.

Trustees of property held under other deed may register declaration making model deed applicable.

5. From and after the passing of this Act the trustees of the several congregations of the Free Methodist Church in Ontario, by whatever name they may hold the lands conveyed to them under deeds containing trusts, provisions, conditions and agreements differing from those which are set out in the model deed provided by this Act, and set forth in Schedules A and B hereto, may register, in the registry office of the county or district where the lands so held by them respectively are situated, a declaration signed by a majority of the said trustees, in the form or to the effect of that set out in Schedule C to this Act, and thereupon the lands described in said declaration shall be held by them as such trustees by the name set out in said declaration, under and upon the like trusts, and for the purposes and under the directions and provisions of the model deed aforesaid, for such and the same ends, uses, intents and purposes, and, under and subject to such and the same powers, provisions, declarations and agreements, and to be controlled, disposed of, and managed by the like authorities, officers, trustees and persons appointed and to be appointed, and acting in the same manner, and with the same duties, powers, liabilities and restrictions, in every particular and respect as are expressed, contained and declared, or referred to in the

said model deed provided by this Act; saving always such right as may have been acquired by any person or corporation prior to the passing of this Act. The fee payable to the registrar for the registration of such declaration, including all entries and certificates thereof, shall be fifty cents.

Deeds taken under 47 V. c. 85.

6. Every deed heretofore made and taken to trustees for any congregation in Ontario of the Free Methodist Church of Ontario, in Canada under the Act passed in the 47th year of Her Majesty's reign, chaptered 85, intituled "An Act to incorporate the General Annual Conference of the Free Methodist Church of Ontario in Canada," shall from and after the passing of this Act be deemed to have vested the lands thereby conveyed in the said trustees, by whatever name they may hold the lands so conveyed to them, under and upon the like trusts and for the purposes and under the directions and provisions of the said model deed provided by this Act, for such and the same ends, uses, intents and purposes, and with, under and subject to such and the same powers, provisions, declarations and agreements, and to be controlled, disposed of and managed by the like authorities, officers, trustees and persons appointed and to be appointed, and acting in the same manner, and with the same duties powers, liabilities and restrictions, in every particular and respect as are expressed, contained and declared, or referred to in the said model deed provided by this Act; saving all such rights as may have been acquired by any person prior to the passing of this Act.

Appointment of new trustees, how evidenced.

7. The appointment of a new trustee or trustees or of a successor or successors shall be evidenced by a declaration in the form set out in Schedule D to this Act, signed by the members or a majority of the members of the official board or quarterly conference, as the case may be, by which the appointment is made, which declaration shall be registered in the registry office of the registry division in which the lands held under the deed under which the appointment is made are situate, and upon the registration of such declaration the said new trustee or trustees, his or their successors, shall have in perpetual succession the same capacities, powers, rights, duties, estates and interests as are given to the trustees in and by such deed, and the fee payable to the registrar for registration of said declaration, including all entries and certificates thereof, shall be fifty cents.

Application of short forms in second schedule.

8. When a deed of real property in Ontario, made according to the forms set forth in the Schedules to this Act, or any other such deed expressed to be made in pursuance of this Act, or referring thereto, contains any of the forms or words contained in column one of the Schedule B to this Act, and distinguished by any number therein, such deed shall be taken to have the same effect, and be construed as if it contained the form of words contained in column two of the same

Schedule, and distinguished by the same number as is annexed to the form of words used in such deed, but it shall not be necessary in any such deed to insert any such number.

Effect of deeds which are inoperative under this Act.

9. Any deed or part of a deed which fails to take effect by virtue of this Act shall nevertheless, be as effectual to bind the parties thereto, as far as the rules of law and equity will permit, as if this Act had not been passed.

What property shall pass by deed hereunder.

10. Every such deed, unless an exception be specially made therein, shall be held and construed to include all houses, outhouses, edifices, barns, stables, yards, gardens, orchards, commons, trees, woods, underwoods, mounds, fences, hedges, ditches, ways, waters, water-courses, rights, liberties, privileges, easements, profits, commodities, emoluments, hereditaments and appurtenances whatsoever, to the land therein comprised, belonging, or in anywise appertaining, or with the same demised, held, used, occupied and enjoyed, or taken, or known as part or parcel thereof, and if the same purports to convey an estate in fee, also the reversion or reversions, remainder and remainders, yearly and other rents, issues and profits of the same lands, and of every part and parcel thereof, and all the estate, right, title, interest, inheritance, use, trust, property, profit, possession, claim and demand whatsoever, both at law and in equity, of the grantor in, to, out of, or upon the same lands, and every part and parcel thereof, with their and every of their appurtenances.

Interpretation.

"Lands."

"Party."

7. In the construction of this Act and the Schedules hereto unless there be something in the subject or context repugnant to such construction, the word "lands" shall extend to all freehold tenements and hereditaments, whether corporeal or incorporeal, or any undivided part or share therein, respectively; and the word "party" shall mean and include any body politic or corporeal or collegiate, as well as an individual, and the words "Annual Conference" in the said Schedules shall mean The East Ontario Annual Conference of the Free Methodist Church and The West Ontario Annual Conference of the Free Methodist Church respectively according as the property in the deed described is situate within the limits of one or other of the said Annual Conferences.

Schedules to form part of Act.

8. The Schedules to this Act and the directions and forms therein contained shall be deemed parts of this Act.

Short title.

9. This Act may be cited and known as *The Free Methodist Church Act, 1897.*

SCHEDULE A.

This indenture, made in (duplicate) the day of one thousand eight hundred and , in pursuance of *The Free Methodist Church Act, 1897*, and in pursuance of the Act respecting short forms of conveyances ; between (*here insert the names, places of residence, and description of the grantors, parties barring dower or other estates and recitals, if any, describing the grantees, in addition to their names and usual additions, as the Trustees of the congregation of the Free Methodist Church*), witnesseth that in consideration of the sum of dollars of lawful money of Canada now paid by the said Trustees to the said part of the part (the receipt whereof is hereby acknowledged) the said part of the part do grant and assign unto the said trustees and their successors in the said trusts, all etc., (*parcels*) to have and to hold the said parcel or tract of land and premises unto and to the use of the said trustees and their successors in the said trusts forever, upon the following trusts [*here set out the trusts, provisoes covenants and other provisions*).

In witness whereof the said parties hereto have hereunto set their hands and seals.

SCHEDULE B.

Directions as to the forms in this schedule, in cases of sale and conveyances of real property.

Parties who use any of the forms in the first column of this schedule may substitute the feminine gender for the masculine, or the plural number for the singular in any of the forms in the first column of this schedule, and corresponding changes shall be taken to be made in the corresponding forms in the second column.

COLUMN ONE.	COLUMN TWO.
1. Upon trust to build a church and other buildings.	1. Upon trust that they the said parties hereto of the third part, and their successors, or the trustees or trustee for the time being acting in the trusts of these presents, shall and do, with and out of the moneys now or which may hereafter be possessed by them or him for that purpose, and as soon after the execution of these presents as conveniently may be, erect and build upon the said parcel or tract of land, or upon some part thereof, and from time to time, and at all times hereafter, whenever it shall be necessary for the due accomplishment of the trusts of these presents, or of any of them, repair, alter, enlarge, and rebuild a church or place of religious worship, and a dwelling house or dwelling houses, vestry room or vestry rooms, school room or school rooms, and other offices, conveniences and appurtenances, or with or without any of them respectively, as, and in such manner as, the trustees for the time being of these presents shall from time to time deem necessary or expedient.

COLUMN ONE.	COLUMN TWO.
2. To permit building to be used as a church by the Free Methodist Church.	2. And upon further trust, from time to time, and at all times after the erection thereof, to permit and suffer the said church or place of religious worship with the appurtenances to be used, occupied and enjoyed as and for a place of religious worship by a congregation of the Free Methodist Church as aforesaid, and for public and other meetings and services held according to the rules and discipline and general usages of the said church, and do and shall from time to time and at all times hereafter permit and suffer such person or persons as are hereinafter mentioned or designated, and such person or persons only, to preach and expound God's Holy Word, and to perform the usual acts of religious worship therein, and burial services in the burial ground thereto belonging ; that is to say, such person or persons as shall be from time to time approved and for that purpose duly appointed by Annual Conference ; and also such other person or persons as shall be thereunto from time to time duly permitted or appointed (according to the rules and discipline of the said Free Methodist Church) by the District Elder for the time being of the district, or the minister in charge of the circuit or station in which the said church or place of religious worship, shall for the time being be situated ; and also such other person and persons as shall be thereunto from time to time duly appointed by any authority lawfully constituted by the said Church to fill up any vacancy or vacancies at any time occasioned by the death, removal, or suspension of a minister or ministers in or during any interval between the sittings of the said Annual Conference, but only until the Annual Conference, and in no case any other person or persons whomsoever.
3. To permit dwelling house on said premises to be used by the minister in charge.	3. And upon further trust, from time to time, and at all times hereafter, to permit and suffer such minister or ministers of the aforesaid Free Methodist Church to reside in, use, occupy and enjoy, free from the payment of any rent for the same, the dwelling-house or dwelling-houses with the appurtenances (if any there be) erected thereon for that purpose, during such time and times as the said minister or ministers shall and may be duly authorized so to do, by his or their being appointed by the Annual Conference according to the rules and discipline of the said Church, to the circuit or station in which the same may be situated, without the let, suit, hindrance, or denial of the said trustees, or of any person or persons on their or any of their behalf ; and it is hereby declared that the times and manner of the various services and ordinances of religious worship to be observed and performed in the said place of religious worship, shall be regulated according to the rules and discipline and general usage of the said Free Methodist Church ; and that the officiating minister for the time being, whether appointed

COLUMN ONE. COLUMN TWO.

by the said Annual Conference or permitted or appointed by the said district elder or minister in charge for the time being, or otherwise permitted or appointed as in these presents is mentioned, shall have the direction and conducting of the same worship, in conformity, nevertheless, to the said rules and dicipline and general usage of the said Free Methodist Church; provided always, that no person or persons whomsoever shall at any time hereafter be permitted to preach or expound God's Holy Word, or to perform any of the usual acts of religious worship, upon the said parcel or tract of land and hereditaments, nor in the said church or place of religious worship and premises, or any of them, or any part or parts thereof, nor in or upon the appurtenances thereto belonging or any of them, or any part of parts thereof, who shall maintain, promulgate, or teach any doctrine or practice contrary to the well-understood Christian doctrines and discipline recognized and maintained by the said Free Methodist Church.

4. To permit Sunday schools to be carried on in said church.

4. And, upon further trust, in case a school room or school rooms shall be erected or provided upon the said parcel or tract of land, or any part thereof as aforesaid or, if there shall be no separate school room or school rooms, and it shall, by the trustees for the time being of these presents, or the major part of them, be thought necessary or expedient to hold and teach a Sunday or other school or schools in any proper part of the said church or place of religious worship, then to permit and suffer a Sunday or other school or schools to be held, conducted, and carried on from time to time in the said school room or school rooms; or if it shall be thought necessary or expedient, as aforesaid, in the said church or place of religious worship, as aforesaid, but if in the said church or place of religious worship, then only at such hours and times as shall not interfere with the public worship of Almighty God therein; and, in all cases, whether in the said church or place of religious worship or not, under such government, orders and regulations as the said Annual Conference have directed or appointed, or shall hereafter from time to time direct or appoint; and, also, subject always to the proviso hereinbefore contained respecting doctrines.

5. To take down and remove buildings and to rebuild.

5. Provided always, that it shall be lawful for the trustees, for the time being of these presents, or the major part of them, when and so often as they shall deem the same necessary or expedient, to take down and remove the said church, vestry room or vestry rooms, school room or school rooms, dwelling house or dwelling houses, offices, conveniences or appurtenances to the said church or place of religious worship and premises belonging or appertaining, or all or

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any of them, or any part or parts thereof, respectively, for the purpose of rebuilding the said church or place of religious worship, or for the purpose of building or rebuilding any other vestry room or vestry rooms, school room or school rooms, dwelling house or dwelling houses, offices, conveniences and appurtenances, or enlarging or altering the same, respectively, or all, or any of them, so as to render the premises better adapted to and for the due accomplishment of the trusts, intents and purposes of these presents.

6. To mortgage, provided mortgage covers entire debt, owing in relation to the trust premises.

6. And it is hereby declared that from time to time, and at all times hereafter, it shall and may be lawful to and for the trustees for the time being of these presents, or the major part of them, to mortgage, and for that purpose to appoint, convey and assure in fee, or for any term or terms of years, the said parcel or tract of land, church, or place of religious worship, hereditaments and premises, or any part or parts thereof respectively, to any person or persons whomsoever, for securing such sum or sums of money as may be requisite or necessary in or for the due execution and accomplishment of the trusts and purposes of these presents, or any of them, according to the true intent and meaning thereof; nevertheless, it is hereby declared that no mortgage or mortgages, nor any disposition whatsoever by way of mortgage, shall at any time hereafter be made of the said trust premises, or any part or parts thereof, under or by virtue of these presents, unless such mortgage or mortgages shall in the aggregate amount to and cover the whole debt, or the aggregate amount of the whole of the debts which at the time of the execution of such mortgage or mortgages shall be due and owing, either legally or equitably, in respect or on account of or in relation to, the said trust premises, or from the said trustees for the time being, or any of them, for or on account or in respect of the said trust premises, or some part or parts thereof, respectively, excepting only such debt and debts as may then be accruing due, for or on account of the ordinary current expenses of the said church or place of religious worship and premises; but it is hereby declared that it shall not be incumbent upon any mortgagee or mortgagees, or upon any intended mortgagee or mortgagees of the said trust premises, or any part or parts thereof, to inquire into the necessity, expediency or propriety of any mortgage or mortgages which shall be made or be proposed to be made, under or by virtue of these presents, or whether the same is or are made or intended to be made for the whole amount of the debt, or of the aggregate amount of the debts which shall be so due and owing as aforesaid, nor shall anything in these presents contained or which may be contained in any such mortgage or mortgages

COLUMN ONE.	COLUMN TWO.
	extend, or be construed to extend, unless where the contrary shall, with the full knowledge and consent of the said trustees for the time being, or the major part of them, be therein actually expressed, to hinder, prevent, or make unlawful the taking down, removing, enlarging or altering the said buildings and premises, or any of them, respectively, as in these presents before mentioned and provided for in that behalf, nor in any manner to hinder, prevent or interfere with the due execution of the trusts or purposes of these presents, or any of them, so long as such mortgagee or mortgagees, his, her or their heirs, executors, administrators and assigns, shall not be in the actual possession as such mortgagee or mortgagees of the hereditaments comprised or to be comprised in such mortgage or mortgages, anything in these presents contained to the contrary in anywise notwithstanding.
7. To let dwelling houses, and to sell graves and tombs, a burial ground is included in trust property.	7. And upon further trust from time to time, and at all times hereafter, if there shall be any such dwelling house or dwelling houses, school room or school rooms, or other building or buildings, or any of them, erected and built as aforesaid, then to let the same or any of them, [other than such as shall or may have been erected and built for or appropriated to the use and occupancy of the minister or ministers duly appointed to the circuit or station in which the same shall be situated] at a reasonable rent or reasonable rents ; and also, if there shall be a cemetery or burial-ground, to let graves and tombs at a reasonable rent or reasonable rents, or to sell graves and tombs at a reasonable price or reasonable prices, and to collect, get in and receive the rents, profits and income to arise in any manner from said premises [excepting moneys which shall from time to time arise from collections or subscriptions duly made therein, according to the rules and discipline and general usage of the said Free Methodist Church for other purposes than for the immediate purposes of the said trust estate], as and when the same shall from time to time become due and payable, but not (excepting as to moneys from time to time received for graves and tombs) by way of anticipation, further than for the quarter or half-year, or year, as may be thought most expedient ; Provided always, that when and so often as such dwelling house or dwelling houses as may have been erected for the express use of the minister or ministers of the circuit or station, shall not be required for the use of such ministers or minister on account of his or their being unmarried or otherwise, it shall and may be lawful for the said trustees, by and with the advice and consent of the district elder, and the official board of the circuit or station, to let the same and appropriate the rent arising therefrom towards paying and satisfying the board and lodging of such minister or ministers, or towards paying the rent for a more suitable and convenient residence or residences for such minister or ministers.

COLUMN ONE.	COLUMN TWO.
8. Trustees to hold moneys arising therefrom upon trust; to pay taxes, insurance, and for repairs; also interest and expenses incurred in the execution of the trusts hereof.	8. And it is hereby declared that the trustees and trustee for the time being of these presents shall stand and be possessed of the money arising from the said rents, profits and income (except as aforesaid) upon trust, thereout to pay in the first place, such duties, taxes, rates and other outgoings (if any) as from time to time shall be lawfully payable in respect of the said premises or any part or parts thereof, and also the costs, charges, and expenses of insuring and keeping insured the said trust premises against loss or damage by fire, in such sum or sums as the said trustees for the time being, or the major part of them, shall from time to time think proper or expedient, and in repairing and keeping the said trust premises in good repair and condition; and likewise the interest of all principal moneys borrowed and then due and owing on security of the said trust premises, or of any part or parts thereof by virtue of these presents, and then to retain to and reimburse themselves, respectively, all costs, charges and expenses lawfully incurred and paid by them in or about the due execution of the trusts of these presents, or any of them; and in the next place, thereout to pay and discharge the necessary costs, charges, and expenses from time to time incurred in cleansing, warming, lighting and attending to the said church or place of religious worship and premises, and generally to liquidate any debt, costs, charges, incumbrances and expenses at any time lawfully incurred under or occasioned by the due execution of the trusts of these presents, or any of them, and not included in any of the provisions aforesaid.
9. To pay over surplus to the Official Board to be applied towards payment of ministers in charge, assisting funds of other churches, building new church or subscribing to charities.	9. And upon further trust, from time to time to pay over to the Official Board any surplus money remaining after due payment of all such lawful debts, costs, charges, incumbrances and expenses as aforesaid, which Board shall apply the same (but according and in conformity to the rules and discipline of the said Free Methodist Church) for or toward the support of the minister or ministers for the time being, respectively, appointed by the said Conference or otherwise as aforesaid, either in the circuit in which the said chapel or place of religious worship shall for the time being be situated, or in that and some other circuit or circuits, or in some other circuit or circuits only, or for or towards the purpose of assisting or increasing the funds of any other church or place of religious worship, or churches or places of religious worship appropriated to the use of the said Free Methodist Church, or in building any new church or place of religious worship, or churches or places of religious worship, for the use of the said Free Methodist Church, and which shall be settled upon such or similar trusts, ends, intents and purposes, as are in these presents mentioned;

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	or in subscribing or giving to any of the general funds, objects, or charities of the said Free Methodist Church, or for or towards all or any of the purposes, objects, funds, or charities hereinbefore mentioned, in such manner as the members of the Official Board for the time being, or the major part of them, shall from time to time think necessary or expedient.
10. To appoint and remove treasurers.	10. And it is hereby declared that it shall be lawful for the trustees, for the time being, of these presents, or the major part of them, at any meeting to be convened and held as is hereinafter mentioned, from time to time, and at all times hereafter, at their discretion to appoint any person or persons of decent and sober conduct and good reputation to be a treasurer or treasurers of the funds of the said church or place of religious worship and premises, and at their will and pleasure to remove and to dismiss such treasurer or treasurers or any of them, but no person shall be so appointed who is not a member in good standing of the Free Methodist Church.
11. To keep books of account and submit same for audit.	11. And it is hereby declared that the trustees or trustee, for the time being, of these presents, shall themselves, or by their treasurer or treasurers, keep a book or books of accounts, in which from time to time shall be plainly, legibly and regularly entered, an account of every receipt and disbursement by them, him or any of them received or made, and also of all debts and credits due to and owing from or in respect of the said trust premises or any part or parts thereof, and also of all other documents, articles, matters and things necessary for the due and full explanation and understanding of the same book or books of accounts; and shall also in like manner keep a book or books of minutes, in which from time to time shall be plainly, legibly and regularly entered minutes of all trustee meetings from time to time held under or by virtue of these presents, and of the resolutions passed, and of all proceedings, acts and business, had taken and done thereat, and also of all documents, articles, matters and things necessary for the due and full explanation and understanding of the same minutes and all other things done in and about the execution of the trusts of these presents; and shall and will from time to time, and at all seasonable times hereafter, upon the request of the District Elder for the time being of the district in which the said church or place of religious worship shall, for the time being, be situated, produce and shew forth to him, and to every person whom he shall desire to see the same, all and every such book or books of accounts and minutes, documents, articles, matters and things, and permit and suffer copies or abstracts of, or abstracts from, them or any of them to be made and taken by

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COLUMN TWO.

the said District Elder or any person or persons whom he shall from time to time desire to make and take the same ; and the said book and books of accounts and minutes, and all documents, articles, matters and things relating in anywise to the said trust premises, shall, at least once in the year and oftener if the said District Elder shall at any time desire, and shall give notice thereof in manner hereinafter mentioned, be regularly upon a day to be appointed by the said District Elder for the time being, or with his concurrence, examined and audited by the District Elder and the Official Board of the circuit in which the said church or place of religious worship shall for the time being be situated, at a meeting convened for that purpose ; and of every such meeting fourteen days' notice in writing, specifying the time, place and purpose of such meeting, shall and may be given under the direction of the said District Elder for the time being by the said Official Board, the said trustee, or trustees for the time being, to each and every the other and others of them, the said trustees or trustee, and every member of the said Official Board, and either personally served upon him and them respectively, or left for or sent by the post to him and them, at his and their most usual place and places of abode or business ; and in order to facilitate the auditing of the said accounts, minutes, documents, articles, matters and things, it shall be lawful for the said District Elder for the time being, as aforesaid, to appoint in writing a deputy or deputies to act therein for him and the said Official Board as aforesaid ; and it is hereby declared that the signatures of all of them, the said auditors, deputies and deputy, or of the aggregate majority of them, written in the said book and books of accounts and minutes respectively, shall be sufficient evidence that all the matter and things relating to the said trust premises, which were up to that time included in the said books, accounts, minutes and documents, matters and things, were duly examined, audited and approved of, unless and except so far as the contrary shall be therein by them, or by the aggregate majority of them, in writing expressed.

12. And it is hereby declared that fourteen days' notice of a special meeting, and convenient notice of other meetings of trustees shall be given.

12. And it is hereby declared that every meeting for the purpose of taking into consideration the propriety of making any alteration of, or any addition to, or mortgage or sale of the said church or place of religious worship and premises thereof, of any part or parts thereof, or for contracting any debt upon, for or on account thereof (other than for the ordinary current expenses thereof), or for letting any such house or houses, school room or school rooms, as aforesaid, or for fixing the rents or prices, or making or altering rules to ascertain the rents or prices of such graves and tombs as aforesaid, or for appropriating the funds or any part of the funds of the

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said church or place of religious worship (otherwise than for the due payment of the ordinary current expenses thereof), or for bringing or defending any action or actions, suit or suits, respecting the said trust estates and premises or any parts thereof, or any matter relating thereto, or for any one or more of the above purposes, shall be, and shall be deemed and taken to be, a special meeting, and of every such meeting fourteen days' notice in writing, specifying the time, place and purpose or purposes of such meeting, and signed by at least either two of the trustees for the time being of these presents, or by the minister in charge for the time being, shall be given to the other and others of them, and him, the said trustees and minister in charge (unless where he is himself the person giving such notice), and either personally served upon him and them, or left for or sent by the post to him and them, respectively, at his and their most usual place or places of abode or business; and, for the purpose of transacting their ordinary business relating to the said church or place of religious worship and premises, or for any other purpose relating to these presents or trusts thereof (except where fourteen days' notice is expressed or required, as hereinbefore is mentioned), a meeting of the trustees, for the time being, of these presents, may be held with the said minister in charge for the time being, as aforesaid, so soon as the same can be conveniently convened by notice in writing, specifying the time and place of such meeting, given and signed by at least either two of the said trustees for the time being, or by the said minister in charge for time being, and either personally served upon or left for, or sent by the post as aforesaid, to the other and others of them respectively, at his and their most usual place or places of abode or business: Provided always, and it is hereby declared, that no meeting held under or by virtue of these presents shall be invalid, or the resolutions thereof void or impeached by reason that any such notice or notices as aforesaid may not or shall not have reached any trustee or trustees for the time being of these presents, who, at the time of any such meeting, happens to be out of the Province, or who or whose place or places of abode or business shall not be known to, and cannot reasonably be found or discovered by, the person or persons who is or are, respectively, as aforesaid, authorized to give any such notices or notice as aforesaid.

13. That a majority of the trustees shall rule, and that in case of a tie the chairman shall give casting vote.

13. And it is hereby declared that at any meeting held under or by virtue of these presents, or of the trusts hereof, or any of them, the votes of the persons present and entitled to vote, or the votes of a majority of them, shall decide any question or matter proposed at such meeting, and respecting which such votes shall be given, but the chairman shall not vote except

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in case the votes are equally divided when he shall give the casting vote; and it is hereby declared that, whenever it shall be thought necessary or expedient to do anything in and by these presents directed, authorized, or made lawful to be done, the necessity or expediency of doing the same shall in like manner be decided by the persons present and entitled to vote upon the question to be determined, or by the majority of them; and if there shall be an even division, then by such casting vote as aforesaid, and all acts and deeds done and executed in pursuance of any such decision as aforesaid, at any such meeting as aforesaid, shall be good, valid and binding on all persons entitled to vote at the meeting who may be absent, or, being present, may be in the minority, and on all other persons claiming under or in pursuance of these presents; but no person (unless where the contrary is hereinbefore expressly mentioned) shall be allowed to vote in more than one capacity at the same time or on the same question, although holding more than one office at the same time in the said Free Methodist Church, or in the same meeting.

14. That the rules, discipline, doctrines and and usages of the church shall be in force, subject to the proviso respecting doctrines herein contained.

14. And it is hereby declared that the "Doctrines and Discipline of the said Free Methodist Church," in these presents mentioned or referred to, are the Doctrines and Discipline of the said Church, as printed and published at the Free Methodist Publishing House in the city of Chicago in the year 1895, by authority of the Free Methodist General Conference of North America in a book entitled "The Doctrines and Discipline of the Free Methodist Church," and the general usage and practice of the societies belonging to said church, and such rules and regulations as may from time to time be made or adopted by the said General Conference, and printed and published in their minutes in accordance with the provisions contained in the said book of discipline for altering or amending the same, but subject at all times to the proviso respecting doctrines in these presents contained.

15. That unless where deed directs otherwise minister in charge shall be chairman of meetings of trustees, but in case of absence trustees may appoint chairman.

15. Provided always, and it is hereby declared that, excepting where the contrary is in these presents expressly declared or provided for, the minister in charge for the time being of the circuit or station in which the said church or place of religious worship shall for the time being be situated or the district elder for the time being shall be the chairman of, and shall preside at, and shall have a vote as such minister in charge in all meetings held under or by virtue of these presents; but in case the said minister in charge for the time being shall at any time neglect to attend at any such meeting as aforesaid, or if the minister in charge shall attend but shall refuse to act as the chairman at any such meeting as aforesaid, or if the said minister in charge

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shall not attend any such meeting, then, and in every and any of the said cases, it shall be lawful for the persons for the time being composing such meeting and entitled to vote thereat, or for a majority of them, to elect and choose from among themselves a chairman to preside for the time being at any such meeting as aforesaid, and every meeting so held, upon any such neglect or refusal of the said minister in charge, shall be as valid and effectual as if the said minister had been the chairman thereof and had presided thereat.

16. Proviso for sale lands with consent of Conference.

16. Provided always, and it is hereby declared, that it shall and may be lawful to and for the trustees for the time being of these presents, with the consent of the Annual Conference, such consent to be testified in writing under the hand of the president for the time being of the said Annual Conference, at any time or times hereinafter, absolutely to sell and dispose of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or of such part or parts of the same respecting which such consent in writing as aforesaid shall be given, either by public sale or private contract, and together or in parcels, and either at one or the same time or at different times, for the best price or prices in money that can be reasonably obtained for the same, and well and effectually to convey and assure the hereditaments and premises so sold to the purchaser or purchasers thereof, his, her, or their heirs and assigns or as he, she or they shall direct or appoint; and the hereditaments and premises so sold and conveyed and assured as aforesaid shall thenceforth be held and enjoyed by the purchaser or purchasers thereof, his, her, and their heirs, executors, administrators, and assigns, freed and absolutely discharged from these presents and from the trusts hereby declared, and every of them; and the trustees and trustee for the time being, acting in the trusts of these presents, shall apply the money which shall arise from every such sale as aforesaid, so far as the same money will extend, to the discharge of all the incumbrances, liabilities and responsibilities, whether personal or otherwise, lawfully contracted or occasioned by virtue of these presents, or in the due execution of the trusts thereof or of any of them, and subject thereto either for or toward promoting the preaching of the Gospel in the said Free Methodist Church in the circuit or station in which the said church or place of religious worship shall, for the time being, be situated, or for the purpose of procuring a larger or more conveniently or eligibly situated parcel or tract of land and church or place of religious worship and premises, in the place or stead of the said parcel or tract of land, church, or place of religious worship, hereditaments, and premises, so sold or disposed of, to be settled upon the same

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trusts, and to and for the same ends, intents and purposes, and with, under and subject to the same powers, provisoes and declarations as are in and by these presents expressed and contained, or such of them as shall be then subsisting or capable of taking effect.

17. Proviso for sale in case trust premises shall be inadequate to meet and discharge interest and expenses.

17. Provided always, that if any time hereafter the income arising from the said parcel or tract of land, church or place of religious worship, hereditaments and premises, shall be inadequate to meet and discharge the interest of all moneys borrowed and then due and owing upon or on account of the said trust premises, and the various current expenses attending the due execution of the trusts of these presents and if the trustees and trustee for the time being of these presents shall desire to retire and be discharged from the burden and execution of the said trusts, and if no such proper persons as are hereinafter mentioned or described can be found to take upon themselves the burden and execution of the said trusts, with the responsibility and liability to be thereby incurred, then in that case it shall be lawful for the trustees for the time being as aforesaid, or the major part of them, of their own proper authority, and without any such consent by the said annual conference as aforesaid, to sell and dispose of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or any part or parts of the same respectively, either by public sale or private contract, and either together or in parcels, and either at one and the same time or at different times, for the best price or prices in money that can be reasonably obtained for the same, and well and effectually to convey and assure the hereditaments and premises so sold, with the appurtenances, to the purchaser or purchasers thereof, his, her, or their heirs and assigns, or as he, she, or they shall direct or appoint, and the hereditaments and premises so sold and conveyed and assured as last aforesaid, shall thenceforth be held and enjoyed by the purchaser and purchasers thereof, his, her, and their heirs, executors, administrators and assigns, freed and absolutely discharged from these presents and the trusts hereby declared, and every of them; and all the money arising from every such last mentioned sale shall be applied, disposed of and appropriated, as far as the same money will extend, to the purposes and in the manner hereinbefore directed with respect to any sale made in pursuance or in consequence of such consent of or by the said annual conference as aforesaid; it is hereby declared that no sale shall be made by virtue of this present power or authority, unless the trustees for the time being as aforesaid, or a a majority of them shall give notice in writing to the said annual conference or to the president

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for the time being of the said annual conference on or before the first day of the then next annual meeting of the said annual conference of their intention to make such sale, and the reasons for same, nor unless the said annual conference shall, for the space of six calendar months next after the said first day of their said annual meeting, refuse or neglect either to give, grant or provide the said trustees and trustee for the time being with such pecuniary or other aid assistance and relief as shall enable them and him to bear and continue the burden of the execution of the trusts of these presents, or (as the case may be) to find and provide other trustees who will take upon themselves the burden of the execution of the said trusts.

18. And it is hereby declared that except in case of mortgage or sale the receipt of a majority of the trustees or of trustee, steward or treasurer duly authorized, shall be sufficient.

18. And it is hereby delared that the receipt and receipts of a majority of the trustees for the time being of these present shall, in all cases of payment made to them, or any of them, as such trustees or trustee as aforesaid, be a full discharge to the person or persons entitled to such receipt or receipts, his, her, and their heirs, executors, administrators and assigns, for all mortgage moneys, purchase moneys, or other moneys therein respectively expressed and acknowledged to have been received by any such trustees or trustee as aforesaid; and in all cases except for money paid and received in respect of any mortgage, or sale of the said hereditaments and premises, or any part or parts thereof as aforesaid, the receipt and receipts of any one or more of the trustees for the time being of these presents, or any one or more of the stewards or treasurers for the time being, by the said trustees for the time being, or the major part of them, duly authorized to sign and give receipts, shall be a full discharge to the person and persons entitled to such receipt or receipts, his, her, and their heirs, executors, administrators and assigns, for all moneys (except as aforesaid) therein respectively expressed and acknowledged to have been received by any such trustee, steward or treasurer, as aforesaid.

19. That purchaser or mortgagee shall not be bound to enquire as to the necessity of sale or mortgage.

19. And it is hereby declared that it shall not be incumbent upon any mortgagee or mortgagees, purchaser or purchasers, of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or of any part or parts thereof respectively, to enquire into the necessity, expediency or propriety of any mortgage, sale or disposition of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or of any part or parts thereof made or proposed to be made by the said trustees or trustee for the time being or the major part of them, as aforesaid, or whether any such notice or notices as aforesaid was or were duly given, or was or were valid or sufficient, or whether any steward or stewards, treasurer or treasurers, was or were

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duly authorized to sign and give receipts as aforesaid ; nor shall it be incumbent upon any such mortgagee or mortgagees, purchaser or purchasers, or any of them, or for any other person or persons, his, her, or their heirs, executors, administrators or assigns, paying money to such trustees or trustee, or to their steward or stewards, treasurer or treasurers for the time being, as aforesaid, to see to the application, or to be answerable or accountable for the loss, misapplication or non-application of such purchase or other money, or any part thereof, for which a receipts or receipts shall be so respectively given as aforesaid.

20. That trustees shall not be accountable for involuntary loss.

20. And it is hereby declared that the trustees or trustee for the time being of these presents, shall not nor shall any of them, their, or any of their, heirs, executors or administrators, or any of them, be chargeable or accountable for any involuntary loss suffered by him, them, or any of them, nor any one or more of them, for any other or others of them, nor for more money than shall come to their respective hands nor for injury done by others to the said trust premises or to any part or parts thereof.

21. That the number of trustees shall not be less than three nor more than twenty-one, and that vacancies are to be filled and number increased by nomination and appointment.

21. And it is hereby declared to be the true intent and meaning of this indenture, and of the parties thereto, that the full number of the trustees of the said trust shall not be less than three or more than twenty-one, the first board to be elected by ballots at a society meeting called for that purpose by notice given during the time of public worship on the Lord's Day, in each of the two weeks next preceding that in which the meeting is to be held and the said first board to be members in full connection, of the age of not under twenty-one years, and that when and so often as any one or more of the said trustees, or of their successors in the said trust, shall die, resign office as trustee, by and with the consent of a two-thirds vote of the co-trustees, or withdraw from or cease to be a member or members of the said Free Methodist Church, according to the rules and discipline of the said Church, or shall remove to such a distance as shall in the opinion of his co-trustees, expressed by a two-thirds vote of said co-trustees, render it inexpedient for him to remain in said trust, the place of the trustee or trustees so dying, resigning, withdrawing, ceasing to be a member or members of the said Church, or removing as aforesaid, shall thereupon become vacant, subject however, to the provisoes next hereinafter set out, and shall be filled with a successor or successors being a member or members of the said Church, of the full age of twenty-one years, to be nominated by the district elder or minster in charge and appointed by the Official Board of the circuit or station ; Provided always that no such consent as aforesaid shall be given while any vacancies remain unfilled, nor shall the Official Board con-

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sent to the resignation of more than one trustee by any one vote; Provided also, that notwithstanding the withdrawal by a trustee from his membership in the said Church, his powers and liabilities as a trustee shall not cease unless his place in the trust shall be declared vacant by a two-thirds vote of the members of the said Official Board, which declaration it shall be in their power to make, on their being convinced that he has withdrawn as aforesaid; Provided that no prior vacancy remain thon unfilled, and provided, that not more than one vacancy shall be declared by any one vote; and if at any time it shall be deemed advisable to increase the number of trustees to a number greater than that appointed hereby, not exceeding twenty-one, then the person or persons whom it is desired to appoint as such new trustee or trustees shall be nominated and appointed as is next hereinbefore provided for the filling of vacancies; and if i shall happen at any time that there shall be no surviving or remaining trustee of the said trust, or should the said Official Board omit to fill any such vacancy or vacanc es as aforesaid, then, and in every such case, it shall and may be lawful for the district elder to nominate and the quarterly Conference of the district in which the property is situate to appoint the requisite number of the trustees of the said trust, and to fill any such vacancy or vacancies, by the vote of the majority of the members of the said conference then present, and in case of an equal division of their votes the chairman of the said conference shall have the casting vote in such appointment, and the person or persons so appoined trustee or trustees shall be the legal successor or successors, co-trustee or co-trustees of the said above-named trustees, and shall have, in perpetual succession, the same capacities, powers, rights, duties, estates and interests as are given to the above-named trustees in and by these presents.

22. Proviso for indemnification of trustee ceasing to be a member of the trust.

22. Provided always, nevertheless, and it is hereby expressly declared that, in every such case when the trustees or trustee so withdrawing, resigning, removing, or ceasing to be a member or members of the said Free Methodist Church as aforesaid, and whose place has become vacant, as aforesaid, shall make request for that purpose in writing to the official board, they the said surviving trustees, shall and will within six calendar months next after such request, under their hands and seal of office (but at the costs and charges in the law of the person and persons making such request) execute a bond, in a sufficient penalty or other obligation, to indemnify the trustees or trustee so withdrawing, resigning, or removing, or ceasing to be a member or members of the said Free Methodist Church or trust as aforesaid, and every of them, their, and

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every of their heirs, executors and administrators, of and from and against the payment of all and every sum and sums of money, costs, charges and expenses, which he, they, or any of them, his, their, or any of their heirs, executors or administrators either separately or jointly with any other trustees or trustee of the said trust premises, may be bound, engaged, or liable to pay, in respect to the said parcel or tract of land, church, or place of religious worship and premises, or in or about the due execution of the trusts of these presents; or in place of such bond or obligation shall procure the trustees or trustee so withdrawing, resigning, removing, or ceasing to be a member or members of the said Free Methodist Church or trust, to be effectually released and discharged of and from and against the payment of all such sum or sums of money, costs, charges and expenses as last aforesaid, and from all liability on account or in respect thereof or otherwise relating thereto. Provided always, that nothing hereinbefore contained shall be construed to prevent or disqualify any person or persons so withdrawing or ceasing to be a member or members as aforesaid, from being at any future time, nominated, appointed and chosen (if then duly qualified) to be a trustee or trustees of the said parcel or tract of land, church or place of religious worship and premises under or by virtue of the powers or authorities in these presents contained or either of them, for appointing a successor or successors of the trustees of these presents; provided always, and it is hereby declared that from time to time, and at all times hereafter, upon the decease of any trustee or trustees for the time being of these presents, the surviving trustees or trustee for the time being of these presents shall and will, within six calendar months next after request for that purpose in writing made to them or him by the legal representative or representatives of such deceased trustee or trustees (but at the costs and charges in the law of such legal representative or representatives) respectively execute a bond (in a sufficient penalty) or other obligation to indemnify the legal representative or representatives of each and every deceased trustee and trustees who shall make such request as aforesaid, his, her and their lands, tenements, goods and chattels of, from and against all bonds, debts, covenants, obligations, notes, judgments, claims and demands whatsoever, which such deceased trustee or trustees had entered into or become subject or liable to, on account or in respect of the said parcel or tract of land, church, or place of religious worship, hereditaments and premises, or otherwise on account or in respect of the due execution of the trusts of these presents or of any of them, or in place or stead of such bond or other obligation of indemnity, shall and will

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(at the choice and discretion of such surviving trustees for the time being, upon such request and at such cost and charges as last aforesaid) cause or procure such legal representative or representatives as aforesaid to be well and effectually released or otherwise discharged of, from and against all and every such bonds, debts, covenants, notes, judgments, claims and demands as last aforesaid, and of and from every of them, and every part and parcel thereof respectively.

SCHEDULE C.

Declaration made in pursuance of section of *The Free Methodist Church Act, 1897.* passed in the sixtieth year of the reign of Her Majesty Queen Victoria and chaptered

Know all men by these presents, that whereas we (*setting out the name of trustees or majority of trustees holding lands*) do hold the lands and premises hereinafter set out as (*give name of trustee board as contained in deed granting to them*) we in pursuance of the provisions of section of an Act passed in the sixtieth year of the reign of Her Majesty, chaptered , do hereby declare, that from and after the date of the registration hereof, we hold the said lands and premises under the provisions of the "Model Deed" as altered by the said Act, under the name of the Trustees of the congregation of the Free Methodist Church, and the said lands and premises are described as follows, that is to say (*insert description*).

In witness whereof we have hereunto set our hands and seals this day of A.D. 18 .

Signed, sealed and delivered in duplicate in the presence of } [L.S.]

SCHEDULE D.

Know all men by these presents, that whereas by a deed bearing date the day of , 18 , made between (*set out the parties*), the lands and premises following, that is to say (*setting out lands*), were granted to (*setting out names of trustees*), as trustees (*setting out name by which the trustee board is described in deed*); and whereas (*setting out name or names*) has (*or* have) died (resigned, withdrawn, ceased to be a member, *or* removed to a distance), whereby his (*or* their) place (*or* places) has (*or* have) become vacant; *or*: and whereas it has been deemed advisable to increase the number of said trustees to (*giving number*), now we (*setting out names of the Official Board or members of quarterly Conference, as the case may be*) do hereby declare that we have appointed and do hereby appoint (*setting out name or names of appointees*) to be a trustee (*or* trustees) of the congregation of the Free Methodist Church, conjointly with (*setting out names of trustee or trustees holding office*) now holding office as trustees of said congregation.

In witness whereof we have hereunto set our hands and seals this day of , 18 .

Signed, sealed and delivered in duplicate in the presence of } [L.S.]

No. 35.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to incorporate The Annual Conferences of the Free Methodist Church in Ontario.

First Reading, 1897.

(Private Bill.)

Mr. CHAPPLE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 35.] **BILL.** [1897.

An Act to incorporate The Annual Conferences of the Free Methodist Church in Ontario.

Preamble.

WHEREAS The General Annual Conference of the Free Methodist Church of Ontario in Canada, was incorporated by an Act passed in the 47th year of Her Majesty's reign, chaptered 85; and whereas the membership of the said church has greatly increased since the passing of the said Act; and whereas the said Conference has by its petition prayed that the powers conferred by the said Act may be transferred to the two Annual Conferences of the said church in Ontario, being respectively the West Ontario Annual Conference of the Free Methodist Church, and the East Ontario Annual Conference of the Free Methodist Church, and that the said two Annual Conferences may be incorporated with the same powers as were by the said Act conferred upon the said General Annual Conference; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation of West Ontario Annual Conference.

1. The President and Clerical and Lay Members of the Conference of the Free Methodist Church within the limits of the West Ontario Annual Conference of the said Church, being all that part of the Province of Ontario comprised in the counties and districts lying to the west of the Counties of Peel and Simcoe and the District of Nipissing, from time to time duly appointed according to the discipline of the Free Methodist Church, shall be and are hereby declared to be a body corporate and politic by the name and style of "The West Ontario Annual Conference of the Free Methodist Church."

Incorporation of East Ontario Annual Conference.

2. The President and Clerical and Lay Members of the Conference according to the doctrines and discipline of the Free Methodist Church within the limits of the East Ontario Annual Conference of the said church, being all that part of the Province of Ontario not comprised within the limits of the said West Annual Conference, shall be and are hereby declared to be a body politic and corporate by the name and style of "The East Ontario Annual Conference of the Free Methodist Church."

Appointment of officers by-laws, etc.

3. It shall be lawful for the regular members of each of the said Conferences at its regular constitutional meetings to appoint such officers and to make and ordain such by-laws and regulations in relation to the management and disposition of its real and personal estate, the duties of its officers, and the management of its corporate offices, as they shall think proper, provided they are not inconsistent with the doctrines and discipline of The Free Methodist Church or with any Act or law in that behalf in force within this Province.

Property held by or in trust for General Conference transferred to Annual Conferences.

4. From and after the passing of this Act, all and singular, the property, real and personal, rights, credits and assets, of every description held by or in trust for the General Annual Conference of the Free Methodist Church of Ontario in Canada, arising or situate within the limits of either of the said Annual Conferences respectively, shall be vested in and shall be held by such Annual Conference upon the same trusts, and to and for the same uses and subject to the same conditions as such property, rights, credits and assets were vested in, and held and enjoyed by or in trust for the said General Annual Conference.

Trustees of property held under other deed may register declaration making model deed applicable.

5. From and after the passing of this Act the trustees of the several congregations of the Free Methodist Church in Ontario, by whatever name they may hold the lands conveyed to them under deeds containing trusts, provisions, conditions and agreements differing from those which are set out in the model deed provided by this Act, and set forth in Schedule A hereto, may register, in the registry office of the county or district where the lands so held by them respectively are situated, a declaration signed by a majority of the said trustees, in the form or to the effect of that set out in Schedule C to this Act, and thereupon the lands described in said declaration shall be held by them as such trustees by the name set out in said declaration, under and upon the like trusts, and for the purposes and under the directions and provisions of the model deed aforesaid, for such and the same ends, uses, intents and purposes, and, under and subject to such and the same powers, provisions, declarations and agreements, and to be controlled, disposed of, and managed by the like authorities, officers, trustees and persons appointed and to be appointed, and acting in the same manner, and with the same duties, powers, liabilities and restrictions, in every particular and respect as are expressed, contained and declared, or referred to in the

said model deed provided by this Act: saving always such right as may have been acquired by any person or corporation prior to the passing of this Act. The fee payable to the registrar for the registration of such declaration, including all entries and certificates thereof, shall be fifty cents.

Deeds taken under 47 V. c. 85.

6. Every deed heretofore made and taken to trustees for any congregation in Ontario of the Free Methodist Church of Ontario, in Canada under the Act passed in the 47th year of Her Majesty's reign, chaptered 85, intituled "An Act to incorporate the General Annual Conference of the Free Methodist Church of Ontario in Canada," shall from and after the passing of this Act be deemed to have vested the lands thereby conveyed in the said trustees, by whatever name they may hold the lands so conveyed to them, under and upon the like trusts and for the purposes and under the directions and provisions of the said model deed provided by this Act, for such and the same ends, uses, intents and purposes, and with, under and subject to such and the same powers, provisions, declarations and agreements, and to be controlled, disposed of and managed by the like authorities, officers, trustees and persons appointed and to be appointed, and acting in the same manner, and with the same duties powers, liabilities and restrictions, in every particular and respect as are expressed, contained and declared, or referred to in the said model deed provided by this Act: saving all such rights as may have been acquired by any person prior to the passing of this Act.

Appointment of new trustees, how evidenced.

7. The appointment of a new trustee or trustees or of a successor or successors shall be evidenced by a declaration in the form set out in Schedule D to this Act, signed by the members or a majority of the members of the official board or quarterly conference, as the case may be, by which the appointment is made, which declaration shall be registered in the registry office of the registry division in which the lands held under the deed under which the appointment is made are situate, and upon the registration of such declaration the said new trustee or trustees, his or their successors, shall have in perpetual succession the same capacities, powers, rights, duties, estates and interests as are given to the trustees in and by such deed, and the fee payable to the registrar for registration of said declaration, including all entries and certificates thereof, shall be fifty cents.

Application of short forms in second schedule.

8. When a deed of real property in Ontario, made according to the forms set forth in the Schedule to this Act, or any other such deed expressed to be made in pursuance of this Act, or referring thereto, contains any of the forms *of* words contained in column one of the Schedule B to this Act, and distinguished by any number therein, such deed shall be taken to have the same effect, and be construed as if it contained the form of words contained in column two of the same

Schedule, and distinguished by the same number as is annexed to the form of words used in such deed, but it shall not be necessary in any such deed to insert any such number.

Effect of deeds which are inoperative under this Act.

9. Any deed or part of a deed which fails to take effect by virtue of this Act shall nevertheless, be as effectual to bind the parties thereto, as far as the rules of law and equity will permit, as if this Act had not been passed.

Interpretation.

"Lands."

"Party."

10. In the construction of this Act and the Schedules hereto, unless there be something in the subject or context repugnant to such construction, the word "lands" shall extend to all freehold tenements and hereditaments, whether corporeal or incorporeal, or any undivided part or share therein, respectively; and the word "party" shall mean and include any body politic or corporeal or collegiate, as well as an individual, and the words "Annual Conference" in the said Schedules shall mean The East Ontario Annual Conference of the Free Methodist Church and The West Ontario Annual Conference of the Free Methodist Church respectively according as the property in the deed described is situate within the limits of one or other of the said Annual Conferences.

Schedules to form part of Act.

11. The Schedules to this Act and the directions and forms therein contained shall be deemed parts of this Act.

Short title.

12. This Act may be cited and known as *The Free Methodist Church Act, 1897.*

SCHEDULE A.

☞MODEL DEED.☜

This indenture, made in (duplicate) the day of one thousand eight hundred and , in pursuance of *The Free Methodist Church Act, 1897*, and in pursuance of the Act respecting short forms of conveyances; between *(here insert the names, places of residence, and descript on of the grantors, parties barring dower or other estates and recitals, if any, describing the grantees, in addition to their names and usual additions, as the Trustees of the congregation of the Free Methodist Church)*. ☞Whereas the said congregation being desirous of taking a conveyance of the land hereinafter described for the purposes hereinafter mentioned have appointed the said trustees in order that such land may be conveyed to them. Now therefore this Indenture ☜witnesseth that in consideration of the sum of dollars of lawful money of Canada now paid by the said Trustees to the said part of the part (the receipt whereof is hereby acknowledged) the said part of the part do grant unto the said trustees and their successors in the said trusts, all etc., *(parcels)* to have and to hold the said parcel or tract of land and premises unto and to the use of the saidtrustees and their successors in the said trust forever ☞ by the name of the Trustees of the congregation of the Free Methodist Church ☜ upon the following trusts [*here set out the trusts, provisoes, covenants and other provisions*).

In witness whereof the said parties hereto have hereunto set their hands and seals.

SCHEDULE B.

Directions as to the forms in this schedule, in cases of sale and conveyances of real property.

Parties who use any of the forms in the first column of this schedule may substitute the feminine gender for the masculine, or the plural number for the singular in any of the forms in the first column of this schedule, and corresponding changes shall be taken to be made in the corresponding forms in the second column.

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1. Upon trust to build a church and other buildings.	1. Upon trust that they the said parties hereto of the third part, and their successors, or the trustees or trustee for the time being acting in the trusts of these presents, shall and do, with and out of the moneys now or which may hereafter be possessed by them or him for that purpose, and as soon after the execution of these presents as conveniently may be, erect and build upon the said parcel or tract of land, or upon some part thereof, and from time to time, and at all times hereafter, whenever it shall be necessary for the due accomplishment of the trusts of these presents, or of any of them, repair, alter, enlarge, and rebuild a church or place of religious worship, and a dwelling house or dwelling houses, vestry room or vestry rooms, school room or school rooms, and other offices, conveniences and appurtenances, or with or without any of them respectively, as, and in such manner as, the trustees for the time being of these presents shall from time to time deem necessary or expedient.

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2. To permit building to be used as a church by the Free Methodist Church.	2. And upon further trust, from time to time, and at all times after the erection thereof, to permit and suffer the said church or place of religious worship with the appurtenances to be used, occupied and enjoyed as and for a place of religious worship by a congregation of the Free Methodist Church as aforesaid, and for public and other meetings and services held according to the rules and discipline and general usages of the said church, and do and shall from time to time and at all times hereafter permit and suffer such person or persons as are hereinafter mentioned or designated, and such person or persons only, to preach and expound God's Holy Word, and to perform the usual acts of religious worship therein, and burial services in the burial ground thereto belonging ; that is to say, such person or persons as shall be from time to time approved and for that purpose duly appointed by Annual Conference ; and also such other person or persons as shall be thereunto from time to time duly permitted or appointed (according to the rules and discipline of the said Free Methodist Church) by the District Elder for the time being of the district, or the minister in charge of the circuit or station in which the said church or place of religious worship, shall for the time being be situated ; and also such other person and persons as shall be thereunto from time to time duly appointed by any authority lawfully constituted by the said Church to fill up any vacancy or vacancies at any time occasioned by the death, removal, or suspension of a minister or ministers in or during any interval between the sittings of the said Annual Conference, but only until the Annual Conference, and in no case any other person or persons whomsoever.
3. To permit dwelling house on said premises to be used by the minister in charge.	3. And upon further trust, from time to time, and at all times hereafter, to permit and suffer such minister or ministers of the aforesaid Free Methodist Church to reside in, use, occupy and enjoy, free from the payment of any rent for the same, the dwelling-house or dwelling-houses with the appurtenances (if any there be) erected thereon for that purpose, during such time and times as the said minister or ministers shall and may be duly authorized so to do, by his or their being appointed by the Annual Conference according to the rules and discipline of the said Church, to the circuit or station in which the same may be situated, without the let, suit, hindrance, or denial of the said trustees, or of any person or persons on their or any of their behalf ; and it is hereby declared that the times and manner of the various services and ordinances of religious worship to be observed and performed in the said place of religious worship, shall be regulated according to the rules and discipline and general usage of the said Free Methodist Church ; and that the officiating minister for the time being, whether appointed

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by the said Annual Conference or permitted or appointed by the said district elder or minister in charge for the time being, or otherwise permitted or appointed as in these presents is mentioned, shall have the direction and conducting of the same worship, in conformity, nevertheless, to the said rules and dicipline and general usage of the said Free Methodist Church; provided always, that no person or persons whomsoever shall at any time hereafter be permitted to preach or expound God's Holy Word, or to perform any of the usual acts of religious worship, upon the said parcel or tract of land and hereditaments, nor in the said church or place of religious worship and premises, or any of them, or any part or parts thereof, nor in or upon the appurtenances thereto belonging or any of them, or any part of parts thereof, who shall maintain, promulgate, or teach any doctrine or practice contrary to the well-understood Christian doctrines and discipline recognized and maintained by the said Free Methodist Church.

4. To permit Sunday schools to be carried on in said church.

4. And, upon further trust, in case a school room or school rooms shall be erected or provided upon the said parcel or tract of land, or any part thereof as aforesaid or, if there shall be no separate school room or school rooms, and it shall, by the trustees for the time being of these presents, or the major part of them, be thought necessary or expedient to hold and teach a Sunday or other school or schools in any proper part of the said church or place of religious worship, then to permit and suffer a Sunday or other school or schools to be held, conducted, and carried on from time to time in the said school room or school rooms; or if it shall be thought necessary or expedient, as aforesaid, in the said church or place of religious worship, as aforesaid, but if in the said church or place of religious worship, then only at such hours and times as shall not interfere with the public worship of Almighty God therein; and, in all cases, whether in the said church or place of religious worship or not, under such government, orders and regulations as the said Annual Conference have directed or appointed, or shall hereafter from time to time direct or appoint; and, also, subject always to the proviso hereinbefore contained respecting doctrines.

5. To take down and remove buildings and to rebuild.

5. Provided always, that it shall be lawful for the trustees, for the time being of these presents, or the major part of them, when and so often as they shall deem the same necessary or expedient, to take down and remove the said church, vestry room or vestry rooms, school room or school rooms, dwelling house or dwelling houses, offices, conveniences or appurtenances to the said church or place of religious worship and premises belonging or appertaining, or all or

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any of them, or any part or parts thereof, respectively, for the purpose of rebuilding the said church or place of religious worship, or for the purpose of building or rebuilding any other vestry room or vestry rooms, school room or school rooms, dwelling house or dwelling houses, offices, conveniences and appurtenances, or enlarging or altering the same, respectively, or all, or any of them, so as to render the premises better adapted to and for the due accomplishment of the trusts, intents and purposes of these presents.

6. To mortgage, provided mortgage covers entire debt, owing in relation to the trust premises.

6. And it is hereby declared that from time to time, and at all times hereafter, it shall and may be lawful to and for the trustees for the time being of these presents, or the major part of them, to mortgage, and for that purpose to appoint, convey and assure in fee, or for any term or terms of years, the said parcel or tract of land, church, or place of religious worship, hereditaments and premises, or any part or parts thereof respectively, to any person or persons whomsoever, for securing such sum or sums of money as may be requisite or necessary in or for the due execution and accomplishment of the trusts and purposes of these presents, or any of them, according to the true intent and meaning thereof; nevertheless, it is hereby declared that no mortgage or mortgages, nor any disposition whatsoever by way of mortgage, shall at any time hereafter be made of the said trust premises, or any part or parts thereof, under or by virtue of these presents, unless such mortgage or mortgages shall in the aggregate amount to and cover the whole debt, or the aggregate amount of the whole of the debts which at the time of the execution of such mortgage or mortgages shall be due and owing, either legally or equitably, in respect or on account of or in relation to, the said trust premises, or from the said trustees for the time being, or any of them, for or on account or in respect of the said trust premises, or some part or parts thereof, respectively, excepting only such debt and debts as may then be accruing due, for or on account of the ordinary current expenses of the said church or place of religious worship and premises; but it is hereby declared that it shall not be incumbent upon any mortgagee or mortgagees, or upon any intended mortgagee or mortgagees of the said trust premises, or any part or parts thereof, to inquire into the necessity, expediency or propriety of any mortgage or mortgages which shall be made or be proposed to be made, under or by virtue of these presents, or whether the same is or are made or intended to be made for the whole amount of the debt, or of the aggregate amount of the debts which shall be so due and owing as aforesaid, nor shall anything in these presents contained or which may be contained in any such mortgage or mortgages

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extend, or be construed to extend, unless where the contrary shall, with the full knowledge and consent of the said trustees for the time being, or the major part of them, be therein actually expressed, to hinder, prevent, or make unlawful the taking down, removing, enlarging or altering the said buildings and premises, or any of them, respectively, as in these presents before mentioned and provided for in that behalf, nor in any manner to hinder, prevent or interfere with the due execution of the trusts or purposes of these presents, or any of them, so long as such mortgagee or mortgagees, his, her or their heirs, executors, administrators and assigns, shall not be in the actual possession as such mortgagee or mortgagees of the hereditaments comprised or to be comprised in such mortgage or mortgages, anything in these presents contained to the contrary in anywise notwithstanding.

7. To let dwelling houses, and to sell graves and tombs, a burial ground is included in trust property.

7. And upon further trust from time to time, and at all times hereafter, if there shall be any such dwelling house or dwelling houses, school room or school rooms, or other building or buildings, or any of them, erected and built as aforesaid, then to let the same or any of them, [other than such as shall or may have been erected and built for or appropriated to the use and occupancy of the minister or ministers duly appointed to the circuit or station in which the same shall be situated] at a reasonable rent or reasonable rents ; and also, if there shall be a cemetery or burial-ground, to let graves and tombs at a reasonable rent or reasonable rents, or to sell graves and tombs at a reasonable price or reasonable prices, and to collect, get in and receive the rents, profits and income to arise in any manner from said premises [excepting moneys which shall from time to time arise from collections or subscriptions duly made therein, according to the rules and discipline and general usage of the said Free Methodist Church for other purposes than for the immediate purposes of the said trust estate], as and when the same shall from time to time become due and payable, but not (excepting as to moneys from time to time received for graves and tombs) by way of anticipation, further than for the quarter or half-year, or year, as may be thought most expedient ; Provided always, that when and so often as such dwelling house or dwelling houses as may have been erected for the express use of the minister or ministers of the circuit or station, shall not be required for the use of such ministers or minister on account of his or their being unmarried or otherwise, it shall and may be lawful for the said trustees, by and with the advice and consent of the district elder, and the official board of the circuit or station, to let the same and appropriate the rent arising therefrom towards paying and satisfying the board and lodging of such minister or ministers, or towards paying the rent for a more suitable and convenient residence or residences for such minister or ministers.

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8. Trustees to hold moneys arising therefrom upon trust; to pay taxes, insurance, and for repairs; also interest and expenses incurred in the execution of the trusts hereof.	8. And it is hereby declared that the trustees and trustee for the time being of these presents shall stand and be possessed of the money arising from the said rents, profits and income (except as aforesaid) upon trust, thereout to pay in the first place, such duties, taxes, rates and other outgoings (if any) as from time to time shall be lawfully payable in respect of the said premises or any part or parts thereof, and also the costs, charges, and expenses of insuring and keeping insured the said trust premises against loss or damage by fire, in such sum or sums as the said trustees for the time being, or the major part of them, shall from time to time think proper or expedient, and in repairing and keeping the said trust premises in good repair and condition; and likewise the interest of all principal moneys borrowed and then due and owing on security of the said trust premises, or of any part or parts thereof by virtue of these presents, and then to retain to and reimburse themselves, respectively, all costs, charges and expenses lawfully incurred and paid by them in or about the due execution of the trusts of these presents, or any of them; and in the next place, thereout to pay and discharge the necessary costs, charges, and expenses from time to time incurred in cleansing, warming, lighting and attending to the said church or place of religious worship and premises, and generally to liquidate any debt, costs, charges, incumbrances and expenses at any time lawfully incurred under or occasioned by the due execution of the trusts of these presents, or any of them, and not included in any of the provisions aforesaid.
9. To pay over surplus to the Official Board to be applied towards payment of ministers in charge, assisting funds of other churches, building new church or subscribing to charities.	9. And upon further trust, from time to time to pay over to the Official Board any surplus money remaining after due payment of all such lawful debts, costs, charges, incumbrances and expenses as aforesaid, which Board shall apply the same (but according and in conformity to the rules and discipline of the said Free Methodist Church) for or toward the support of the minister or ministers for the time being, respectively, appointed by the said Conference or otherwise as aforesaid, either in the circuit in which the said chapel or place of religious worship shall for the time being be situated, or in that and some other circuit or circuits, or in some other circuit or circuits only, or for or towards the purpose of assisting or increasing the funds of any other church or place of religious worship, or churches or places of religious worship appropriated to the use of the said Free Methodist Church, or in building any new church or place of religious worship, or churches or places of religious worship, for the use of the said Free Methodist Church, and which shall be settled upon such or similar trusts, ends, intents and purposes, as are in these presents mentioned;

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or in subscribing or giving to any of the general funds, objects, or charities of the said Free Methodist Church, or for or towards all or any of the purposes, objects, funds, or charities hereinbefore mentioned, in such manner as the members of the Official Board for the time being, or the major part of them, shall from time to time think necessary or expedient.

10. To appoint and remove treasurers.

10. And it is hereby declared that it shall be lawful for the trustees, for the time being, of these presents, or the major part of them, at any meeting to be convened and held as is hereinafter mentioned, from time to time, and at all times hereafter, at their discretion to appoint any person or persons of decent and sober conduct and good reputation to be a treasurer or treasurers of the funds of the said church or place of religious worship and premises, and at their will and pleasure to remove and to dismiss such treasurer or treasurers or any of them, but no person shall be so appointed who is not a member in good standing of the Free Methodist Church.

11. To keep books of account and submit same for audit.

11. And it is hereby declared that the trustees or trustee, for the time being, of these presents, shall themselves, or by their treasurer or treasurers, keep a book or books of accounts, in which from time to time shall be plainly, legibly and regularly entered, an account of every receipt and disbursement by them, him or any of them received or made, and also of all debts and credits due to and owing from or in respect of the said trust premises or any part or parts thereof, and also of all other documents, articles, matters and things necessary for the due and full explanation and understanding of the same book or books of accounts; and shall also in like manner keep a book or books of minutes, in which from time to time shall be plainly, legibly and regularly entered minutes of all trustee meetings from time to time held under or by virtue of these presents, and of the resolutions passed, and of all proceedings, acts and business, had taken and done thereat, and also of all documents, articles, matters and things necessary for the due and full explanation and understanding of the same minutes and all other things done in and about the execution of the trusts of these presents; and shall and will from time to time, and at all seasonable times hereafter, upon the request of the District Elder for the time being of the district in which the said church or place of religious worship shall, for the time being, be situated, produce and shew forth to him, and to every person whom he shall desire to see the same, all and every such book or books of accounts and minutes, documents, articles, matters and things, and permit and suffer copies or abstracts of, or abstracts from, them or any of them to be made and taken by

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the said District Elder or any person or persons whom he shall from time to time desire to make and take the same ; and the said book and books of accounts and minutes, and all documents, articles, matters and things relating in anywise to the said trust premises, shall, at least once in the year and oftener if the said District Elder shall at any time desire, and shall give notice thereof in manner hereinafter mentioned, be regularly upon a day to be appointed by the said District Elder for the time being, or with his concurrence, examined and audited by the District Elder and the Official Board of the circuit in which the said church or place of religious worship shall for the time being be situated, at a meeting convened for that purpose ; and of every such meeting fourteen days' notice in writing, specifying the time, place and purpose of such meeting, shall and may be given under the direction of the said District Elder for the time being by the said Official Board, the said trustee, or trustees for the time being, to each and every the other and others of them, the said trustees or trustee, and every member of the said Official Board, and either personally served upon him and them respectively, or left for or sent by the post to him and them, at his and their most usual place and places of abode or business ; and in order to facilitate the auditing of the said accounts, minutes, documents, articles, matters and things, it shall be lawful for the said District Elder for the time being, as aforesaid, to appoint in writing a deputy or deputies to act therein for him and the said Official Board as aforesaid ; and it is hereby declared that the signatures of all of them, the said auditors, deputies and deputy, or of the aggregate majority of them, written in the said book and books of accounts and minutes respectively, shall be sufficient evidence that all the matter and things relating to the said trust premises, which were up to that time included in the said books, accounts, minutes and documents, matters and things, were duly examined, audited and approved of, unless and except so far as the contrary shall be therein by them, or by the aggregate majority of them, in writing expressed.

12. And it is hereby declared that fourteen days' notice of a special meeting, and convenient notice of other meetings of trustees shall be given.

12. And it is hereby declared that every meeting for the purpose of taking into consideration the propriety of making any alteration of, or any addition to, or mortgage or sale of the said church or place of religious worship and premises thereof, of any part or parts thereof, or for contracting any debt upon, for or on account thereof (other than for the ordinary current expenses thereof), or for letting any such house or houses, school room or school rooms, as aforesaid, or for fixing the rents or prices, or making or altering rules to ascertain the rents or prices of such graves and tombs as aforesaid, or for appropriating the funds or any part of the funds of the

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said church or place of religious worship (otherwise than for the due payment of the ordinary current expenses thereof), or for bringing or defending any action or actions, suit or suits, respecting the said trust estates and premises or any parts thereof, or any matter relating thereto, or for any one or more of the above purposes, shall be, and shall be deemed and taken to be, a special meeting, and of every such meeting fourteen days' notice in writing, specifying the time, place and purpose or purposes of such meeting, and signed by at least either two of the trustees for the time being of these presents, or by the minister in charge for the time being, shall be given to the other and others of them, and him, the said trustees and minister in charge (unless where he is himself the person giving such notice), and either personally served upon him and them, or left for or sent by the post to him and them, respectively, at his and their most usual place or places of abode or business; and, for the purpose of transacting their ordinary business relating to the said church or place of religious worship and premises, or for any other purpose relating to these presents or trusts thereof (except where fourteen days' notice is expressed or required, as hereinbefore is mentioned), a meeting of the trustees, for the time being, of these presents, may be held with the said minister in charge for the time being, as aforesaid, so soon as the same can be conveniently convened by notice in writing, specifying the time and place of such meeting, given and signed by at least either two of the said trustees for the time being, or by the said minister in charge for time being, and either personally served upon or left for, or sent by the post as aforesaid, to the other and others of them respectively, at his and their most usual place or places of abode or business: Provided always, and it is hereby declared, that no meeting held under or by virtue of these presents shall be invalid, or the resolutions thereof void or impeached by reason that any such notice or notices as aforesaid may not or shall not have reached any trustee or trustees for the time being of these presents, who, at the time of any such meeting, happens to be out of the Province, or who or whose place or places of abode or business shall not be known to, and cannot reasonably be found or discovered by, the person or persons who is or are, respectively, as aforesaid, authorized to give any such notices or notice as aforesaid.

13. That a majority of the trustees shall rule, and that in case of a tie the chairman shall give casting vote.

13. And it is hereby declared that at any meeting held under or by virtue of these presents, or of the trusts hereof, or any of them, the votes of the persons present and entitled to vote, or the votes of a majority of them, shall decide any question or matter proposed at such meeting, and respecting which such votes shall be given, but the chairman shall not vote except

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in case the votes are equally divided when he shall give the casting vote ; and it is hereby declared that, whenever it shall be thought necessary or expedient to do anything in and by these presents directed, authorized, or made lawful to be done, the necessity or expediency of doing the same shall in like manner be decided by the persons present and entitled to vote upon the question to be determined, or by the majority of them ; and if there shall be an even division, then by such casting vote as aforesaid, and all acts and deeds done and executed in pursuance of any such decision as aforesaid, at any such meeting as aforesaid, shall be good, valid and binding on all persons entitled to vote at the meeting who may be absent, or, being present, may be in the minority, and on all other persons claiming under or in pursuance of these presents ; but no person (unless where the contrary is hereinbefore expressly mentioned) shall be allowed to vote in more than one capacity at the same time or on the same question, although holding more than one office at the same time in the said Free Methodist Church, or in the same meeting.

14. That the rules, discipline, doctrines and and usages of the church shall be in force, subject to the proviso respecting doctrines herein contained.

14. And it is hereby declared that the "Doctrines and Discipline of the said Free Methodist Church," in these presents mentioned or referred to, are the Doctrines and Discipline of the said Church, as printed and published at the Free Methodist Publishing House in the city of Chicago in the year 1895, by authority of the Free Methodist General Conference of North America in a book entitled "The Doctrines and Discipline of the Free Methodist Church," and the general usage and practice of the societies belonging to said church, and such rules and regulations as may from time to time be made or adopted by the said General Conference, and printed and published in their minutes in accordance with the provisions contained in the said book of discipline for altering or amending the same, but subject at all times to the proviso respecting doctrines in these presents contained.

15. That unless where deed directs otherwise minister in charge shall be chairman of meetings of trustees, but in case of absence trustees may appoint chairman.

15. Provided always, and it is hereby declared that, excepting where the contrary is in these presents expressly declared or provided for, the minister in charge for the time being of the circuit or station in which the said church or place of religious worship shall for the time being be situated or the district elder for the time being shall be the chairman of, and shall preside at, and shall have a vote as such minister in charge in all meetings held under or by virtue of these presents ; but in case the said minister in charge for the time being shall at any time neglect to attend at any such meeting as aforesaid, or if the minister in charge shall attend but shall refuse to act as the chairman at any such meeting as aforesaid, or if the said minister in charge

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shall not attend any such meeting, then, and in every and any of the said cases, it shall be lawful for the persons for the time being composing such meeting and entitled to vote thereat, or for a majority of them, to elect and choose from among themselves a chairman to preside for the time being at any such meeting as aforesaid, and every meeting so held, upon any such neglect or refusal of the said minister in charge, shall be as valid and effectual as if the said minister had been the chairman thereof and had presided thereat.

16. Proviso for sale lands with consent of Conference.

16. Provided always, and it is hereby declared, that it shall and may be lawful to and for the trustees for the time being of these presents, with the consent of the Annual Conference, such consent to be testified in writing under the hand of the president for the time being of the said Annual Conference, at any time or times hereinafter, absolutely to sell and dispose of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or of such part or parts of the same respecting which such consent in writing as aforesaid shall be given, either by public sale or private contract, and together or in parcels, and either at one or the same time or at different times, for the best price or prices in money that can be reasonably obtained for the same, and well and effectually to convey and assure the hereditaments and premises so sold to the purchaser or purchasers thereof, his, her, or their heirs and assigns or as he, she or they shall direct or appoint ; and the hereditaments and premises so sold and conveyed and assured as aforesaid shall thenceforth be held and enjoyed by the purchaser or purchasers thereof, his, her, and their heirs, executors, administrators, and assigns, freed and absolutely discharged from these presents and from the trusts hereby declared, and every of them ; and the trustees and trustee for the time being, acting in the trusts of these presents, shall apply the money which shall arise from every such sale as aforesaid, so far as the same money will extend, to the discharge of all the incumbrances, liabilities and respon-ibilities, whether personal or otherwise, lawfully contracted or occasioned by virtue of these presents, or in the due execution of the trusts thereof or of any of them, and subject thereto either for or toward promoting the preaching of the Gospel in the said Free Methodist Church in the circuit or station in which the said church or place of religious worship shall, for the time being, be situated, or for the purpose of procuring a larger or more conveniently or eligibly situated parcel or tract of land and church or place of religious worship and premises, in the place or stead of the said parcel or tract of land, church, or place of religious worship, hereditaments, and premises, so sold or disposed of, to be settled upon the same

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trusts, and to and for the same ends, intents and purposes, and with, under and subject to the same powers, provisoes and declarations as are in and by these presents expressed and contained, or such of them as shall be then subsisting or capable of taking effect.

17. Proviso for sale in case trust premises shall be inadequate to meet and discharge interest and expenses.

17. Provided always, that if any time hereafter the income arising from the said parcel or tract of land, church or place of religious worship, hereditaments and premises, shall be inadequate to meet and discharge the interest of all moneys borrowed and then due and owing upon or on account of the said trust premises, and the various current expenses attending the due execution of the trusts of these presents and if the trustees and trustee for the time being of these presents shall desire to retire and be discharged from the burden and execution of the said trusts and if no such proper persons as are hereinafter mentioned or described can be found to take upon themselves the burden and execution of the said trusts, with the responsibility and liability to be thereby incurred, then in that case it shall be lawful for the trustees for the time being as aforesaid, or the major part of them, of their own proper authority, and without any such consent by the said annual conference as aforesaid, to sell and dispose of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or any part or parts of the same respectively, either by public sale or private contract, and either together or in parcels, and either at one and the same time or at different times, for the best price or prices in money that can be reasonably obtained for the same, and well and effectually to convey and assure the hereditaments and premises so sold, with the appurtenances, to the purchaser or purchasers thereof, his, her, or their heirs and assigns, or as he, she, or they shall direct or appoint, and the hereditaments and premises so sold and conveyed and assured as last aforesaid, shall thenceforth be held and enjoyed by the purchaser and purchasers thereof, his, her, and their heirs, executors, administrators and assigns, freed and absolutely discharged from these presents and the trusts hereby declared, and every of them; and all the money arising from every such last mentioned sale shall be applied, disposed of and appropriated, as far as the same money will extend, to the purposes and in the manner hereinbefore directed with respect to any sale made in pursuance or in consequence of such consent of or by the said annual conference as aforesaid; it is hereby declared that no sale shall be made by virtue of this present power or authority, unless the trustees for the time being as aforesaid, or a a majority of them shall give notice in writing to the said annual conference or to the president

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for the time being of the said annual conference on or before the first day of the then next annual meeting of the said annual conference of their intention to make such sale, and the reasons for same, nor unless the said annual conference shall, for the space of six calendar months next after the said first day of their said annual meeting, refuse or neglect either to give, grant or provide the said trustees and trustee for the time being with such pecuniary or other aid, assistance and relief as shall enable them and him to bear and continue the burden of the execution of the trusts of these presents, or (as the case may be) to find and provide other trustees who will take upon themselves the burden of the execution of the said trusts.

18. And it is hereby declared that except in case of mortgage or sale the receipt of a majority of the trustees or of trustee, steward or treasurer duly authorized, shall be sufficient.

18. And it is hereby delared that the receipt and receipts of a majority of the trustees for the time being of these present shall, in all cases of payment made to them, or any of them, as such trustees or trustee as aforesaid, be a full discharge to the person or persons entitled to such receipt or receipts, his, her, and their heirs, executors, administrators and assigns, for all mortgage moneys, purchase moneys, or other moneys therein respectively expressed and acknowledged to have been received by any such trustees or trustee as aforesaid ; and in all cases except for money paid and received in respect of any mortgage, or sale of the said hereditaments and premises, or any part or parts thereof as aforesaid, the receipt and receipts of any one or more of the trustees for the time being of these presents, or any one or more of the stewards or treasurers for the time being, by the said trustees for the time being, or the major part of them, duly authorized to sign and give receipts, shall be a full discharge to the person and persons entitled to such receipt or receipts, his, her, and their heirs, executors, administrators and assigns, for all moneys (except as aforesaid) therein respectively expressed and acknowledged to have been received by any such trustee, steward or treasurer, as aforesaid.

19. That purchaser or mortgagee shall not be bound to enquire as to the necessity of sale or mortgage.

19. And it is hereby declared that it shall not be incumbent upon any mortgagee or mortgagees, purchaser or purchasers, of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or of any part or parts thereof respectively, to enquire into the necessity, expediency or propriety of any mortgage, sale or disposition of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or of any part or parts thereof made or proposed to be made by the said trustees or trustee for the time being or the major part of them, as aforesaid, or whether any such notice or notices as aforesaid was or were duly given, or was or were valid or sufficient, or whether any steward or stewards, treasurer or treasurers, was or were

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duly authorized to sign and give receipts as aforesaid ; nor shall it be incumbent upon any such mortgagee or mortgagees, purchaser or purchasers, or any of them, or for any other person or persons, his, her, or their heirs, executors, administrators or assigns, paying money to such trustees or trustee, or to their steward or stewards, treasurer or treasurers for the time being, as aforesaid, to see to the application, or to be answerable or accountable for the loss, misapplication or non-application of such purchase or other money, or any part thereof, for which a receipts or receipts shall be so respectively given as aforesaid.

20. That trustees shall not be accountable for involuntary loss.

20. And it is hereby declared that the trustees or trustee for the time being of these presents, shall not nor shall any of them, their, or any of their, heirs, executors or administrators, or any of them, be chargeable or accountable for any involuntary loss suffered by him, them, or any of them, nor any one or more of them, for any other or others of them, nor for more money than shall come to their respective hands nor for injury done by others to the said trust premises or to any part or parts thereof.

21. That the number of trustees shall not be less than three nor more than twenty-one, and that vacancies are to be filled and number increased by nomination and appointment.

21. And it is hereby declared to be the true intent and meaning of this indenture, and of the parties thereto, that the full number of the trustees of the said trust shall not be less than three or more than twenty-one, and that when and so often as any one or more of the said trustees, or of their successors in the said trust, shall die, resign office as trustee, by and with the consent of a two-thirds vote of the co-trustees, or withdraw from or cease to be a member or members of the said Free Methodist Church, according to the rules and discipline of the said Church, or shall remove to such a distance as shall in the opinion of his co-trustees, expressed by a two-thirds vote of said co-trustees, render it inexpedient for him to remain in said trust, the place of the trustee or trustees so dying, resigning, withdrawing, ceasing to be a member or members of the said Church, or removing as aforesaid, shall thereupon become vacant, subject however, to the provisoes next hereinafter set out, and shall be filled with a successor or successors being a member or members of the said Church, of the full age of twenty-one years, to be nominated by the district elder or minster in charge and appointed by the Official Board of the circuit or station ; Provided always that no such consent as aforesaid shall be given while any vacancies remain unfilled, nor shall the Official Board con-

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sent to the resignation of more than one trustee by any one vote ; Provided also, that notwithstanding the withdrawal by a trustee from his membership in the said Church, his powers and liabilities as a trustee shall not cease unless his place in the trust shall be declared vacant by a two-thirds vote of the members of the said Official Board, which declaration it shall be in their power to make, on their being convinced that he has withdrawn as aforesaid ; Provided that no prior vacancy remain then unfilled, and provided, that not more than one vacancy shall be declared by any one vote ; and if at any time it shall be deemed advisable to increase the number of trustees to a number greater than that appointed hereby, not exceeding twenty-one, then the person or persons whom it is desired to appoint as such new trustee or trustees shall be nominated and appointed as is next hereinbefore provided for the filling of vacancies ; and if it shall happen at any time that there shall be no surviving or remaining trustee of the said trust, or should the said Official Board omit to fill any such vacancy or vacancies as aforesaid, then, and in every such case, it shall and may be lawful for the district elder to nominate and the quarterly Conference of the district in which the property is situate to appoint the requisite number of the trustees of the said trust, and to fill any such vacancy or vacancies, by the vote of the majority of the members of the said conference then present, and in case of an equal division of their votes the chairman of the said conference shall have the casting vote in such appointment, and the person or persons so appointed trustee or trustees shall be the legal successor or successors, co-trustee or co-trustees of the said above-named trustees, and shall have, in perpetual succession, the same capacities, powers, rights, duties, estates and interests as are given to the above-named trustees in and by these presents.

22. Proviso for indemnification of trustee ceasing to be a member of the trust.

22. Provided always, nevertheless, and it is hereby expressly declared that, in every such case when the trustees or trustee so withdrawing, resigning, removing, or ceasing to be a member or members of the said Free Methodist Church as aforesaid, and whose place has become vacant, as aforesaid, shall make request for that purpose in writing to the official board, they the said surviving trustees, shall and will within six calendar months next after such request, under their hands and seal of office (but at the costs and charges in the law of the person and persons making such request) execute a bond, in a sufficient penalty or other obligation, to indemnify the trustees or trustee so withdrawing, resigning, or removing, or ceasing to be a member or members of the said Free Methodist Church or trust as aforesaid, and every of them, their, and

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every of their heirs, executors and administrators, of and from and against the payment of all and every sum and sums of money, costs, charges and expenses, which he, they, or any of them, his, their, or any of their heirs, executors or administrators either separately or jointly with any other trustees or trustee of the said trust premises, may be bound, engaged, or liable to pay, in respect to the said parcel or tract of land, church, or place of religious worship and premises, or in or about the due execution of the trusts of these presents; or in place of such bond or obligation shall procure the trustees or trustee so withdrawing, resigning, removing, or ceasing to be a member or members of the said Free Methodist Church or trust, to be effectually released and discharged of and from and against the payment of all such sum or sums of money, costs, charges and expenses as last aforesaid, and from all liability on account or in respect thereof or otherwise relating thereto. Provided always, that nothing hereinbefore contained shall be construed to prevent or disqualify any person or persons so withdrawing or ceasing to be a member or members as aforesaid, from being at any future time, nominated, appointed and chosen (if then duly qualified) to be a trustee or trustees of the said parcel or tract of land, church or place of religious worship and premises under or by virtue of the powers or authorities in these presents contained or either of them, for appointing a successor or successors of the trustees of these presents; provided always, and it is hereby declared that from time to time, and at all times hereafter, upon the decease of any trustee or trustees for the time being of these presents, the surviving trustees or trustee for the time being of these presents shall and will, within six calendar months next after request for that purpose in writing made to them or him by the legal representative or representatives of such deceased trustee or trustees (but at the costs and charges in the law of such legal representative or representatives) respectively execute a bond (in a sufficient penalty) or other obligation to indemnify the legal representative or representatives of each and every deceased trustee and trustees who shall make such request as aforesaid, his, her and their lands, tenements, goods and chattels of, from and against all bonds, debts, covenants, obligations, notes, judgments, claims and demands whatsoever, which such deceased trustee or trustees had entered into or become subject or liable to, on account or in respect of the said parcel or tract of land, church, or place of religious worship, hereditaments and premises, or otherwise on account or in respect of the due execution of the trusts of these presents or of any of them, or in place or stead of such bond or other obligation of indemnity, shall and will

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(at the choice and discretion of such surviving trustees for the time being, upon such request and at such cost and charges as last aforesaid) cause or procure such legal representative or representatives as aforesaid to be well and effectually released or otherwise discharged of, from and against all and every such bonds, debts, covenants, notes, judgments, claims and demands as last aforesaid, and of and from every of them, and every part and parcel thereof respectively.

SCHEDULE C.

Declaration made in pursuance of section of *The Free Methodist Church Act, 1897*, passed in the sixtieth year of the reign of Her Majesty Queen Victoria and chaptered

Know all men by these presents, that whereas we (*setting out the name of trustees or majority of trustees holding lands*) do hold the lands and premises hereinafter set out as (*give name of trustee board as contained in deed granting to them*) we in pursuance of the provisions of section of an Act passed in the sixtieth year of the reign of Her Majesty, chaptered , do hereby declare, that from and after the date of the registration hereof, we hold the said lands and premises under the provisions of the "Model Deed" as altered by the said Act, under the name of the Trustees of the congregation of the Free Methodist Church, and the said lands and premises are described as follows, that is to say (*insert description*).

In witness whereof we have hereunto set our hands and seals this day of A.D. 18 .

Signed, sealed and delivered in duplicate in the presence of } [L.S.]

SCHEDULE D.

Know all men by these presents, that whereas by a deed bearing date the day of , 18 , made between (*set out the parties*), the lands and premises following, that is to say (*setting out lands*), were granted to (*setting out names of trustees*), as trustees (*setting out name by which the trustee board is described in deed*); and whereas (*setting out name or names*) has (*or* have) died (resigned, withdrawn, ceased to be a member, *or* removed to a distance), whereby his (*or* their) place (*or* places) has (*or* have) become vacant; *or*: and whereas it has been deemed advisable to increase the number of said trustees to (*giving number*), now we (*setting out names of the Official Board or members of quarterly Conference, as the case may be*) do hereby declare that we have appointed and do hereby appoint (*setting out name or names of appointees*) to be a trustee (*or* trustees) of the congregation of the Free Methodist Church, conjointly with (*setting out names of trustee or trustees holding office*) now holding office as trustees of said congregation.

In witness whereof we have hereunto set our hands and seals this day of , 18 .

Signed, sealed and delivered in duplicate in the presence of } [L.S.]

No. 35.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to incorporate The Annual Conferences of the Free Methodist Church in Ontario.

First Reading, 3rd March, 1897.

(Reprinted and amended in Private Bills Committee.)

Mr. CHAPPLE.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 36. **BILL.** [1897.

An Act to enable Edward Spencer Jenison to develop and improve a Water Privilege on the Kaministiquia River.

Preamble.

WHEREAS Edward Spencer Jenison is the owner of a water privilege on the Kaministiquia River, in the district of Thunder Bay, situate between the southwest part of the Township of Oliver and part of the township of Paipoonge on the east and southeast part of the township of Conmee and part of the said township of Paipoonge on the west, and for the purpose of developing and improving the said water privilege desires to divert a portion of the water of the said river from its natural channel, and to convey the same by means of a canal or trench across the the chain reserve adjoining the said channel and through certain lands of which the said Edward Spencer Jenison is owner, and also through or across certain other lands, being mining location or lot No. 10 X in the said township of Oliver, and from a point near the southerly side of the said mining location or lot No. 10 X by means of pipes or conduits to a part of lot No. 20 in concession D of the said township of Paipoonge of which the said Edward Spencer Jenison is the owner; and whereas the said Edward Spencer Jenison has by contract or agreement obtained the right to flood and use for the purposes of his proposed undertaking the portion of lot A in the first concession of the said township of Conmee which will be affected by the works he proposes to construct, and has caused surveys and levels to be taken and made of the lands sought to be taken, acquired, held, used or otherwise affected by the construction or for the purpose of the said undertaking, together with a map or plan thereof, and has caused the same to be filed in the office of the Clerk of the District Court of the district of Thunder Bay; and whereas the said Edward Spencer Jenison has by his petition prayed that an Act may be passed to enable him to develop and improve his said water privilege, and it will conduce to the public good, and is proper and just under all the circumstances of the case, to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to erect a dam.

1. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered, to erect and build a dam or weir in the Kaministiquia River opposite the westerly twelve and a half acres of lot No. 19 in the second concession of the township of Oliver in the district of Thunder Bay at the head of the falls or rapids in the said river known as Ecarte Falls or Portage Ecarte, to such height as may be necessary in order to raise the level of the water in the said river to the height of eight feet above its low water mark or level.

Authority to divert waters.

2. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered, at a point opposite the said westerly twelve and a half acres of lot No. 19 in the second concession of the township of Oliver aforesaid and above the dam or weir to be built as provided in the first section of this Act, to divert from the channel of the Kaministiquia River such part of the waters thereof as may from time to time exceed four thousand cubic feet passing the said point per minute.

Authority to expropriate certain lands.

3. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered, to enter upon, take possession of, acquire, hold and use that portion of mining location or lot No. 10 X in the said township of Oliver containing by admeasurement twenty-seven and a half acres of land more or less, and which may be more particularly described as follows, that is to say: All that tract or strip of land four hundred feet in width extending to a distance of 200 feet on the westerly and 200 feet on the easterly side of the centre line commencing at a point in the south limit of the said mining location or lot No. 10 X distant 500 feet west from the southeast angle of the said mining location or lot and therefrom running northwesterly in a straight line to a point in the boundary line between the said mining location or lot No. 10 X and lot No. 18 in the first concession of the said township of Oliver distant 198 feet east of the southwest corner of the said lot No. 18 in the first concession of the township of Oliver aforesaid.

Valuation by Judge.

4. The Judge of the District Court of the district of Thunder Bay may assess the value of the land described in the preceding section of this Act, and the damages, if any, which ought to be paid by the said Edward Spencer Jenison as compensation to the owners of the said land for any injury done to them by the taking of the same as hereby authorized, and upon payment of the amount so to be assessed, either to the owners of the said land or into the High Court of Justice for Ontario to their credit, the said lands described in the preced-

ing section of this Act shall become and be thenceforward vested in fee simple in the said Edward Spencer Jenison, his heirs and assigns forever.

Authority to expropriate highways.

5. It shall be lawful for the said Edward Spencer Jenison and he is hereby authorized and empowered, to enter upon, take possession of, acquire, hold and use such portions of the highway or road allowance between the said Township of Oliver and the said Township of Paipoonge, commencing at the distance of 300 feet west from the southeast angle of the said mining location or lot No, 10 X and extending in a westerly direction 400 feet therefrom, as he may require or deem expedient for the purposes of his said undertaking; provided, however, that should the said highway or road allowance be at any time hereafter required for use as a public highway or road the said Edward Spencer Jenison shall, upon demand of the Municipal Council of the said Townships or of either of them, at his own expense erect and maintain a proper bridge on the said highway or road allowance across and over the trench or canal, pipes or conduits mentioned in section 7 of this Act.

Authority to expropriate highways.

6. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered, to enter upon, take possession of, acquire, hold and use such other portion of the public highways or road allowances, if any, in either the said Township of Oliver or the said Township of Paipoonge or the Township of Neebing, as may be required for the purposes of the said undertaking: provided, however, that should any such highways or road allowances be at any time hereafter required for use as public highways or roads the said Edward Spencer Jenison shall, upon demand of the Municipal Council of the Township in which any such highway or road allowance is situate, at his own expense erect and maintain proper bridges on the said highways or road allowances across and over the trench or canal, pipes or conduits mentioned in section 7 of this Act.

Authority to convey water across road allowances and over certain lands

7. It shall be lawful for the said Edward Spencer Jenison and he is hereby authorized and empowered, to convey and conduct the water which may from time to time be diverted as aforesaid from the Kaministiquia River through, over and across the road allowance or reserve of one chain in width along the easterly bank of the said river at the point of diversion of the said water, and through, over and across the westerly twelve and a half acres of lot No. 19 in the second concession of the said Township of Oliver and those parts of lot No. 18 and of lot No. 19 in the first concession of the said Township of Oliver now owned by the said Edward Spencer Jenison; and through, over and across that part of mining location or lot No. 10 X in the Township of Oliver, more particularly described in section 3 of this Act: and through, over

and across the 400 feet of unopened highway or road allowance between the said Townships of Oliver and Paipoonge, described in section 5 of this Act; and through, over and across the westerly ten acres of that part of lot No. 20 in concession D of the said Township of Paipoonge lying east of the Kaministiquia River; and through, over and across the said allowance or reserve of one chain in width along the easterly bank of the said river, between the last mentioned lot and the said river and to the channel of the said Kaministiquia River by means of a trench or canal and of pipes, conduits, development plant and tail races. Provided, always, that the said Edward Spencer Jenison shall at all times hereafter permit and allow at least four thousand cubic feet of water per minute to flow over the present natural channel of the said Kaministiquia River past any point in the said river between the point at which part of the waters thereof may be diverted therefrom as by this Act permitted and the point in the said river at which the said waters may be returned to the channel of the said river.

Authority to make a pond.

8. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered to make and maintain above the dam or weir mentioned in section 1 of this Act a pond of the extent and dimensions of thirty-five acres in area upon that part of lot letter A in the first concession of the said Township of Conmee which will be flooded by the erection of the said dam, and also upon the road allowance or reserve of one chain in width between the said land and the said river.

Authority to lower bed of Kaministiquia River and erect a dam.

9. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered, to lower the bed of the Kaministiquia River at or near its outlets from Dog Lake or Great Dog Lake, and to erect and build therein at or near to the said outlets a dam or weir to the height of three feet above the low water mark hereinafter described, with proper gates and appliances to be used by the said Edward Spencer Jenison, to control the flow and level of the waters of the said lake between its low water level and three feet above its low water level, which said low water level is hereby declared to be the level of the low water mark at the north-eastern extremity of Stony Island in the said Lake, as set out in the report of Hume Blake Proudfoot, Ontario Land Surveyor, filed and of record in the Department of Crown Lands of the Province of Ontario, and the said Edward Spencer Jenison is hereby authorized and empowered to alter the level of the said lake from time to time by means of the said dam or weir, gates and appliances between the said low water mark and three feet above the same thereby forming a storage reservoir from which the said Edward Spencer Jenison is hereby authorized and empowered to draw for the use of his said undertaking such stored or reserve waters, at such times, in such manner and in such quantities and places as may best serve his purposes aforesaid.

10. It shall be lawful for the said Edward Spencer Jenison and he is hereby authorized and empowered to lower the bed of the Mattawin River at its outlet from Lake Shebandowan, and to erect and build therein at or near to the outlet of the said River from Lake Shebandowan a dam or weir to the height of three feet above the low water mark hereinafter described, with proper gates and appliances, to be used by the said Edward Spencer Jenison to control the flow and level of the waters of the said Lake Shebandowan, between its low water level and three feet above its low water level, which said low water level is hereby declared to be two feet and two inches below the level of the bottom of the sill of the old store-house on the Dawson Route as set out in the report of the said Hume Blake Proudfoot, filed and of record in the said Department of Crown Lands, and the said Edward Spencer Jenison is hereby authorized and empowered to alter the level of the said lake from time to time by means of the said dam or weir, gates and apeliances between the said low water mark and three feet above the same, thereby forming a storage reservior, from which the said Edward Spencer Jenison is hereby authorized and empowered to draw for the use of his said undertaking such stored or reserve waters, at such times, in such manner and in such quantities and places as may best serve his purposes aforesaid.

Authority to lower bed of Mattawin river and erect a dam.

11. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered, to withdraw from the said lakes the waters thereof stored as aforesaid, and conduct the said waters and allow the same to flow over the channels of the said Kaministiquia and Mattawin Rivers, at such times and in such quantities as may best serve his said purposes: Provided however that except as authorized by section 1 of this Act, and caused by the dam or weir therein described, the waters of the said rivers shall not be raised by the said Edward Spencer Jenison, above their high water marks or levels; and provided further that a sufficient amount of water shall be at all times allowed to flow down and over the channels of the said rivers to ensure a constant flow of at least four thousand cubic feet per minute in passing over Kakabeka Falls in the said Kaministiquia River.

Authority to withdraw waters from the lakes.

12. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered, to flood and, so far as may be requisite for his said purposes, to keep submerged such portions of the ungranted lands of the Crown on or near to the shores of the lakes herein mentioned as will be affected by raising the level of the said lakes to the extent authorized by this Act.

Authority to flood ungranted Crown lands.

13. Nothing herein contained shall authorize the said Edward Spencer Jenison to so construct, maintain or operate his said works, or any of them, as that the navigation of the

Navigation not to be interfered with.

said Kaministiquia River shall be interfered with, or as that the passage of timber or logs floating down the same during high water shall be prevented; but the dams or weirs or other works to be constructed under the provisions of this Act shall be so built as to permit the free passage over or through the same of all timber or logs which it shall be lawful for any person to float down the said river during high water.

Rights with respect to Crown lands subject to control.

14. The rights, powers and privileges hereby conferred upon the said Edward Spencer Jenison with reference to any of the Crown Lands of the Province of Ontario which may be affected by the said works shall be, as to such lands, subject to the terms of the contract or agreement as to compensation for such lands entered into between the said Commissioner of Crown Lands for the Province of Ontario and the said Edward Spencer Jenison bearing date the 21st day of April, 1896.

Authority to erect poles for electricity.

15. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered, to erect lines of poles and wires for the purpose of transmitting electricity which may be generated by his said works over and upon any lands with the owners of which he may enter into any agreement to that end, or along, over and upon any public roads and highways, or across any of the waters within the said District of Thunder Bay, and to erect and maintain upon any such roads and highways or in any such waters the necessary fixtures, including posts, piers or abutments, for sustaining the cords or wires of such lines, provided the same are so constructed as not to interfere with the public use of such roads or highways or impede the free access to any house or other building erected in the vicinity of the same or interrupt the navigation of the said waters.

No. 36.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to enable Edward Spencer Jenison to develop and improve a Water Privilege on the Kaministiquia River.

First Reading, , 1897.

(Private Bill.)

Mr. CONMEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 36. **BILL.** [1897.

An Act to enable Edward Spencer Jenison to develop and improve a Water Privilege on the Kaministiquia River.

Preamble.

WHEREAS Edward Spencer Jenison is the owner of a water privilege on the Kaministiquia River, in the district of Thunder Bay, situate between the southwest part of the Township of Oliver and part of the township of Paipoonge on the east and southeast part of the township of Conmee and part of the said township of Paipoonge on the west, and for the purpose of developing and improving the said water privilege desires to divert a portion of the water of the said river from its natural channel, and to convey the same by means of a canal or trench across the chain reserve adjoining the said channel and through certain lands of which the said Edward Spencer Jenison is owner, and also through or across certain other lands, being mining location or lot No. 10 X in the said township of Oliver, and from a point near the southerly side of the said mining location or lot No 10 X by means of pipes or conduits to a part of lot No. 20 in concession D of the said township of Paipoonge of which the said Edward Spencer Jenison is the owner; and whereas the said Edward Spencer Jenison has by contract or agreement obtained the right to flood and use for the purposes of his proposed undertaking the portion of lot A in the first concession of the said township of Conmee which will be affected by the works he proposes to construct, and has caused surveys and levels to be taken and made of the lands sought to be taken, acquired, held, used or otherwise affected by the construction or for the purpose of the said undertaking, together with a map or plan thereof, and has caused the same to be filed in the office of the Clerk of the District Court of the district of Thunder Bay; and whereas the said Edward Spencer Jenison has by his petition prayed that an Act may be passed to enable him to develop and improve his said water privilege, and it will conduce to the public good, and is proper and just under all the circumstances of the case, to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Authority to erect a dam.

1. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered, to erect and build a dam or weir in the Kaministiquia River opposite the westerly twelve and a half acres of lot No. 19 in the second concession of the township of Oliver in the district of Thunder Bay at the head of the falls or rapids in the said river known as Ecarte Falls or Portage Ecarte, to such height as may be necessary in order to raise the level of the water in the said river to the height of eight feet above its low water mark or level.

Authority to divert waters.

2. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered, at a point opposite the said westerly twelve and a half acres of lot No. 19 in the second concession of the township of Oliver aforesaid and above the dam or weir to be built as provided in the first section of this Act, to divert from the channel of the Kaministiquia River such part of the waters thereof as may from time to time exceed four thousand cubic feet passing the said point per minute

Authority to expropriate certain lands.

3. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered, to enter upon, take possession of, acquire, hold and use that portion of mining location or lot No. 10 X in the said township of Oliver containing by admeasurement twenty-seven and a half acres of land more or less, and which may be more particularly described as follows, that is to say : All that tract or strip of land four hundred feet in width extending to a distance of 200 feet on the westerly and 200 feet on the easterly side of the centre line commencing at a point in the south limit of the said mining location or lot No. 10 X distant 500 feet west from the southeast angle of the said mining location or lot and therefrom running northwesterly in a straight line to a point in the boundary line between the said mining location or lot No. 10 X and lot No. 18 in the first concession of the said township of Oliver distant 198 feet east of the southwest corner of the said lot No. 18 in the first concession of the township of Oliver aforesaid.

Valuation by Judge.

4. The official arbitrator for the city of Toronto and the county of York may assess the value of the land described in the preceding section of this Act, and the damages, if any, which ought to be paid by the said Edward Spencer Jenison as compensation to the owners of the said land for any injury done to them by the taking of the same as hereby authorized, and upon payment of the amount so to be assessed, either to the owners of the said land or into the High Court of Justice for Ontario to their credit, the said lands described in the preced-

ing section of this Act shall become and be thenceforward vested in fee simple in the said Edward Spencer Jenison, his heirs and assigns forever.

Authority to expropriate highways

5. It shall be lawful for the said Edward Spencer Jenison and he is hereby authorized and empowered, to enter upon, take possession of, acquire, hold and use such portions of the highway or road allowance between the said Township of Oliver and the said Township of Paipoonge, commencing at the distance of 300 feet west from the southeast angle of the said mining location or lot No. 10 X and extending in a westerly direction 400 feet therefrom, as he may require or deem expedient for the purposes of his said undertaking; provided, however, that should the said highway or road allowance be at any time hereafter required for use as a public highway or road the said Edward Spencer Jenison shall, upon demand of the Municipal Council of the said Townships or of either of them, at his own expense erect and maintain a proper bridge on the said highway or road allowance across and over the trench or canal, pipes or conduits mentioned in section 7 of this Act.

Authority to expropriate highways.

6. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered, to enter upon, take possession of, acquire, hold and use such other portion of the public highways or road allowances, if any, in either the said Township of Oliver or the said Township of Paipoonge or the Township of Neebing, as may be required for the purposes of the said undertaking; provided, however, that should any such highways or road allowances be at any time hereafter required for use as public highways or roads the said Edward Spencer Jenison shall, upon demand of the Municipal Council of the Township in which any such highway or road allowance is situate, at his own expense erect and maintain proper bridges on the said highways or road allowances across and over the trench or canal, pipes or conduits mentioned in section 7 of this Act.

Authority to convey water across road allowances and over certain lands.

7. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered, to convey and conduct the water which may from time to time be diverted as aforesaid from the Kaministiquia River through, over and across the road allowance or reserve of one chain in width along the easterly bank of the said river at the point of diversion of the said water, and through, over and across the westerly twelve and a half acres of lot No. 19 in the second concession of the said Township of Oliver and those parts of lot No. 18 and of lot No. 19 in the first concession of the said Township of Oliver now owned by the said Edward Spencer Jenison; and through, over and across that part of mining location or lot No. 10 X in the Township of Oliver, more particularly described in section 3 of this Act; and through, over

and across the 400 feet of unopened highway or road allowance between the said Townships of Oliver and Paipoonge, described in section 5 of this Act; and through, over and across the westerly ten acres of that part of lot No. 20 in concession D of the said Township of Paipoonge lying east of the Kaministiquia River; and through, over and across the said allowance or reserve of one chain in width along the easterly bank of the said river, between the last mentioned lot and the said river and to the channel of the said Kaministiquia River by means of a trench or canal and of pipes, conduits, development plant and tail races. Provided, always, that the said Edward Spencer Jenison shall at all times hereafter permit and allow at least four thousand cubic feet of water per minute to flow over the present natural channel of the said Kaministiquia River past any point in the said river between the point at which part of the waters thereof may be diverted therefrom as by this Act permitted and the point in the said river at which the said waters may be returned to the channel of the said river.

Authority to make a pond.

8. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered to make and maintain above the dam or weir mentioned in section 1 of this Act a pond of the extent and dimensions of thirty-five acres in area upon that part of lot letter A in the first concession of the said Township of Conmee which will be flooded by the erection of the said dam, and also upon the road allowance or reserve of one chain in width between the said land and the said river.

Authority to lower bed of Kaministiquia River and erect a dam.

9. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered, to lower the bed of the Kaministiquia River at or near its outlets from Dog Lake or Great Dog Lake, and to erect and build therein at or near to the said outlets a dam or weir to the height of three feet above the low water mark hereinafter described, with proper gates and appliances to be used by the said Edward Spencer Jenison, to control the flow and level of the waters of the said lake between its low water level and three feet above its low water level, which said low water level is hereby declared to be the level of the low water mark at the north-eastern extremity of Stony Island in the said Lake, as set out in the report of Hume Blake Proudfoot, Ontario Land Surveyor, filed and of record in the Department of Crown Lands of the Province of Ontario, and the said Edward Spencer Jenison is hereby authorized and empowered to alter the level of the said lake from time to time by means of the said dam or weir, gates and appliances between the said low water mark and three feet above the same thereby forming a storage reservoir from which the said Edward Spencer Jenison is hereby authorized and empowered to draw for the use of his said undertaking such stored or reserve waters, at such times, in such manner and in such quantities and places as may best serve his purposes aforesaid.

10. It shall be lawful for the said Edward Spencer Jenison and he is hereby authorized and empowered to lower the bed of the Mattawin River at its outlet from Lake Shebandowan, and to erect and build therein at or near to the outlet of the said River from Lake Shebandowan a dam or weir to the height of three feet above the low water mark hereinafter described, with proper gates and appliances, to be used by the said Edward Spencer Jenison to control the flow and level of the waters of the said Lake Shebandowan, between its low water level and three feet above its low water level, which said low water level is hereby declared to be two feet and two inches below the level of the bottom of the sill of the old store-house on the Dawson Route as set out in the report of the said Hume Blake Proudfoot, filed and of record in the said Department of Crown Lands, and the said Edward Spencer Jenison is hereby authorized and empowered to alter the level of the said lake from time to time by means of the said dam or weir, gates and apeliances between the said low water mark and three feet above the same, thereby forming a storage reservior, from which the said Edward Spencer Jenison is hereby authorized and empowered to draw for the use of his said undertaking such stored or reserve waters, at such times, in such manner and in such quantities and places as may best serve his purposes aforesaid.

Authority to lower bed of Mattawin river and erect a dam.

11. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered, to withdraw from the said lakes the waters thereof stored as aforesaid, and conduct the said waters and allow the same to flow over the channels of the said Kaministiquia and Mattawin Rivers, at such times and in such quantities as may best serve his said purposes; Provided however that except as authorized by section 1 of this Act, and caused by the dam or weir therein described, the waters of the said rivers shall not be raised by the said Edward Spencer Jenison, above their high water marks or levels; and provided further that a sufficient amount of water shall be at all times allowed to flow down and over the channels of the said rivers to ensure a constant flow of at least four thousand cubic feet per minute in passing over Kakabeka Falls in the said Kaministiquia River.

Authority to withdraw waters from the lakes.

12. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered, to flood and, so far as may be requisite for his said purposes, to keep submerged such portions of the ungranted lands of the Crown on or near to the shores of the lakes herein mentioned as will be affected by raising the level of the said lakes to the extent authorized by this Act.

Authority to flood ungranted Crown lands.

13. Nothing herein contained shall authorize the said Edward Spencer Jenison to so construct, maintain or operate his said works, or any of them as that the navigation of the

Navigation not to be interfered with.

said Kaministiquia River shall be interfered with, or as that the passage of timber or logs floating down the same during high water shall be prevented; but the dams or weirs or other works to be constructed under the provisions of this Act shall be so built as to permit the free passage over or through the same of all timber or logs which it shall be lawful for any person to float down the said river during high water.

Rights with respect to Crown lands subject to control.

14. The rights, powers and privileges hereby conferred upon the said Edward Spencer Jenison with reference to any of the Crown lands of the Province of Ontario which may be affected by the said works shall be, as to such lands, subject to the terms of the contract or agreement as to compensation for such lands entered into between the said Commissioner of Crown Lands for the Province of Ontario and the said Edward Spencer Jenison bearing date the 21st day of April, 1896.

Authority to erect poles for electricity.

15. It shall be lawful for the said Edward Spencer Jenison, and he is hereby authorized and empowered, to erect lines of poles and wires for the purpose of transmitting electricity which may be generated by his said works over and upon any lands with the owners of which he may enter into any agreement to that end, or along, over and upon any public roads and highways, or across any of the waters within the said District of Thunder Bay, and to erect and maintain upon any such roads and highways or in any such waters the necessary fixtures, including posts, piers or abutments, for sustaining the cords or wires of such lines, provided the same are so constructed as not to interfere with the public use of such roads or highways or impede the free access to any house or other building erected in the vicinity of the same or interrupt the navigation of the said waters.

No. 36.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to enable Edward Spencer Jenison to develop and improve a Water Privilege on the Kaministiquia River.

First Reading, 2nd March, 1897.

(Reprinted as amended by Private Bills Committee.)

Mr. CONMEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 37.] **BILL.** [1897.

An Act to confer certain powers on the City of Kingston.

Preamble.

WHEREAS the municipal council of the corporation of the city of Kingston has by its petition represented that the continued prosperity of said city is in a large measure dependent upon the retention of the grain transhipping trade at the port of said city; and whereas it has been further represented that said trade is, by reason of the absence of grain storage and elevator facilities at the port of Kingston, being diverted into other routes to the prejudice of the said city and to the serious curtailment of the avenues of employment for the working classes; and whereas the council of the said city has by its petition prayed that special powers may be granted them to secure the erection and operation in said city of a grain storage elevator: and whereas the case of said city is exceptional by reason of its relation to the great water route from the upper lakes to the seaboard by way of the St. Lawrence river; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

City authorized to grant aid to or take stock in elevator company.

1. Subject as hereinafter provided it shall be lawful for the municipal council of the city of Kingston to pass a by-law or by-laws for granting aid by way of loan or bonus to secure the erection and operation in the said city of a grain storage elevator or elevators, or to take stock in any company incorporated for such a purpose, to an amount not exceeding under the powers conferred by this Act, an aggregate of $25,000 and to issue debentures to raise such money and to exempt from taxes, rates and assessments (except school taxes) for a period not exceeding twenty years, the whole property of the person

or persons or company erecting and operating said grain storage elevator and to do all other acts in connection therewith as if the power to grant bonuses was still vested in municipalities, and to enter into agreements with and take bonds from such person or persons or company to secure the erection and operation of said grain storage elevator or elevators.

Assent of ratepayers required.

2. No such aid by way of loan, bonus or subscribed stock or any of them shall be given until after the passing of a by-law or by-laws by the municipal council for the purpose and adoption of such by-law or by-laws by the qualified electors as provided in *The Consolidated Municipal Act, 1892*, in the case of by-laws for the creation of debts and except as herein otherwise provided, all the provisions of *The Consolidated Municipal Act, 1892*, relating to the creation of debts and the assent of the qualified electors shall apply.

55 V. c. 42.

55 V. c. 42.

Submission of by-law.

3. If a majority of the electors who vote upon such by-law or by-laws at the submission of the same as in the preceding section mentioned vote in favor of the same, then such by-law or by-laws shall be deemed to be adopted.

Scrutiny of votes.

4. In case of a dispute as to the result of the vote on any by-law submitted under this Act, the county judge shall have the same powers for determining the question as he has in any case of a scrutiny of votes.

Proceedings by judge.

5. The petition to the judge may be by an elector or by the council, and the proceedings for obtaining the judge's decision shall be the same as nearly as may be as in the case of a scrutiny.

Certain sections of 55 V. c. 42 to apply.

6. Sections 209 to 222, sections 293 to 319 and sections 321 to 328 inclusive of *The Consolidated Municipal Act, 1892*, and their subsections shall be taken and considered as part of this Act.

55 V. c. 42, incorporated.

7. Except as otherwise provided in this Act, all the clauses of *The Consolidated Municipal Act, 1892*, relating to the creation of debts, the issue of debentures, and the time and manner of repayment shall apply and be read as part of this Act.

No. 37.

3rd Session, 8th Legislature, 60 Vict. 1897.

BILL.

An Act to confer certain powers on the City of Kingston.

First Reading, 1897.

(Private Bill.)

Mr. HARTY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 37.] **BILL.** [1897.

An Act to confer certain powers on the City of Kingston.

Preamble.

WHEREAS the municipal council of the corporation of the city of Kingston has by its petition represented that the continued prosperity of said city is in a large measure dependent upon the retention of the grain transhipping trade at the port of said city; and whereas it has been further represented that said trade is, by reason of the absence of grain storage and elevator facilities at the port of Kingston, being diverted into other routes to the prejudice of the said city and to the serious curtailment of the avenues of employment for the working classes; and whereas the council of the said city has by its petition prayed that special powers may be granted them to secure the erection and operation in said city of a grain storage elevator; and whereas the country at large is interested in the encouragement of enterprises having for their object the facilitating of the carriage of grain and other products from the place of production by way of the great lakes and river St. Lawrence to the seaboard; and whereas the case of said city is exceptional by reason of its relation to the great water route from the upper lakes to the seaboard by way of the St. Lawrence river; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

City authorized to grant aid to or take stock in elevator company.

1. Subject as hereinafter provided it shall be lawful for the municipal council of the city of Kingston to pass a by-law or by-laws for granting aid by way of loan or bonus to secure the erection and operation in the said city of a grain storage elevator or elevators, or to take stock in any company incorporated for such a purpose, to an amount not exceeding under

the powers conferred by this Act, an aggregate of $25,000 and to issue debentures to raise such money and to exempt from taxes, rates and assessments (except school taxes) for a period not exceeding twenty years, the whole property of the person or persons or company erecting and operating said grain storage elevator and to do all other acts in connection therewith as if the power to grant bonuses was still vested in municipalities, and to enter into agreements with and take bonds from such person or persons or company to secure the erection and operation of said grain storage elevator or elevators.

Assent of ratepayers required.

2. No such aid by way of loan, bonus or subscribed stock or any of them shall be given until after the passing of a by-law or by-laws by the municipal council for the purpose and adoption of such by-law or by-laws by the qualified electors as provided in *The Consolidated Municipal Act, 1892*, in the case of by-laws for the creation of debts and except as herein otherwise provided, all the provisions of *The Consolidated Municipal Act, 1892*, relating to the creation of debts and the assent of the qualified electors shall apply.

55 V. c. 42.

55 V. c. 42.

Submission of by-law.

3. Notwithstanding anything contained in the preceding section of this Act the vote of two-thirds in the affirmative of the ratepayers who are qualified as in the preceding section shall be necessary to the carrying of such by-law.

4. In addition to the certificate required by section 318 of *The Consolidated Municipal Act, 1892*, the clerk, in case of a majority of the votes being in favor of the by-law, shall further certify, whether or not, as shown by the voters' list, such majority appears to be two-thirds of all the voters who are entitled to vote on such by-law.

Scrutiny of votes.

5. In case of a dispute as to the result of the vote on any by-law submitted under this Act, the county judge shall have the same powers for determining the question as he has in any case of a scrutiny of votes.

Proceedings by judge.

6. The petition to the judge may be by an elector or by the council, and the proceedings for obtaining the judge's decision shall be the same as nearly as may be as in the case of a scrutiny.

Certain sections of 55 V. c. 42 to apply.

7. Sections 209 to 222, sections 293 to 319 and sections 321 to 328 inclusive of *The Consolidated Municipal Act, 1892*, and their subsections shall be taken and considered as part of this Act.

55 V. c. 42, incorporated.

8. Except as otherwise provided in this Act, all the clauses of *The Consolidated Municipal Act, 1892*, relating to the creation of debts, the issue of debentures, and the time and manner of repayment shall apply and be read as part of this Act.

No. 37.

3rd Session, 8th Legislature, 60 Vict. 1897.

BILL.

An Act to confer certain powers on the City of Kingston.

First Reading, 9th March, 1897.

(Reprinted as amended by Private Bills Committee.)

Mr. HARTY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 38.] BILL. [1897.

An Act respecting the City of Toronto.

Preamble.

WHEREAS the corporation of the city of Toronto has by its petition prayed for special legislation in respect to the several matters herein set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

58 V. c. 89, s. 7. amended.

1. Section 7 of the Act passed by the Legislature of the Province of Ontario in the 58th year of Her Majesty's reign, and chaptered 89, is amended by striking out the words 'the assessments upon whose lands are hereby confirmed," in the seventh and eighth lines of said section, and inserting in lieu thereof the following words: "being owners or otherwise interested in lands fronting or abutting upon Hamilton Street or North Gladstone Avenue."

City Council authorized to amend by-law 2841.

2. The corporation of the city of Toronto is hereby authorized to pass a by-law amending by-law number 2841, passed on the 2nd of February, 1891, respecting the extension of Gladstone avenue, so as to reduce the rates charged to the ratepayers on their property south of Hamilton street to one-half of what are charged in the said by-law, and to assume as the city's share of the cost of such work the balance of the cost of such street extension, also to make such further amendments to the said by-law as may be necessary to decrease the rates to be collected from the ratepayers in accordance with the reduced amount to be raised, and to make refunds to all parties who have paid under the said by-law so that they shall not be chargeable or liable for more than one-half of the rates collectable under the said by-law.

Certain by-laws confirmed.

3. The by-laws of the corporation of the city of Toronto specified in schedule "A" hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made for the payment thereof, are hereby validated and confirmed.

Island car service agreement authorized.

4. The said corporation is hereby authorized to enter into an agreement with the Toronto Railway Company, respecting a railway service upon the Island for the time which the said company are authorized to operate upon the streets of the city, and to apply any or all the terms of the agreement of the 1st of September, 1891, as validated, construed and limited by the Act passed by this Legislature in the 55th year of Her Majesty's reign and chaptered 99, to such service, or such of them as the said corporation may deem proper, or to make such other agreement concerning same as the said parties may determine upon, provided the time of the company's rights to operate is not extended beyond the time limited in said agreement and Act, and the said corporation is hereby empowered to expropriate such lands, or such interests therein, as they may deem necessary to carry out the said agreement, making such compensation therefor as the owners thereof may be entitled to, upon the same being determined under the arbitration clauses of *The Municipal Act*, and all sections in the said Act as to expropriation and arbitration shall apply, and also *The Municipal Arbitrations Act.*

55 V. c 42.

55 V. c. 90 s. 4. amended.

5. Section 4 of the Act passed by this Legislature in the 55th year of Her Majesty's reign, and chaptered 90, is amended by inserting after the word "inches," in the sixth line thereof, the following words: "and may construct a bridge or bridges to the Island, and all approaches they may deem necessary thereto, and roadways upon the Island," and by inserting the words "or bridges, approaches or roadways," after the word "pavements," in the ninth line thereof.

Sunday car agreement confirmed.

6. The agreement made between the said corporation and the Toronto Railway Company respecting the operation of street cars upon the Lord's Day in the city of Toronto, and which is printed as schedule "B" hereto, is hereby validated and confirmed, and the said parties thereto are hereby declared to have and to have had power to do all acts necessary to give effect to the same; but this section and the agreement hereby confirmed is not to have any force or effect unless and until a by-law is embodying the same has been approved of by the voters, as provided in the Act passed by this Legislature in the 57th year of Her Majesty's reign, and chaptered 93. Provided, however, that the confirmation of the said agreement is not to legalize the running of cars upon the Lord's Day, if the same is a contravention of the Revised Statute 203, intituled "An Act to prevent the profanation of the Lord's Day."

Proviso

R. S. O. c. 203.

The said corporation is hereby authorized to impose from time to time penalties, as provided for in the said agreement, and to collect the same if not paid by the said company by action as if the same were a debt due by the company to the corporation, and any penalty imposed by or under the provisions of the said agreement shall not be relieved against by any Court or Judge. The County Court Judge of the County of York, and the Court of Appeal of the Province of Ontario, respectively, shall have jurisdiction to, and it shall be their duty, to hear and determine the matters in the said agreement provided to be determined by them, and no objection shall be competent to either party to the said agreement as to the jurisdiction of the said County Court Judge and the Court of Appeal respectively.

Council authorized to permit openings in sidewalks and to charge for same.

7. The said corporation is hereby authorized to permit areas or openings to be constructed in or under the sidewalks and streets of the city, and to authorize the continuance of those already constructed, and to charge for such privilege, and for the use of the areas or openings herebefore constructed, such sums as the council may think reasonable, and in the event of such areas or openings being now in existence or hereafter constructed, the owners of the property in front of or in connection with the said areas or openings shall be responsible for any damages which may result to any person using the streets by reason of such areas or openings existing thereon or thereunder, and in the event of the owner not paying the amount of such damages, and the costs of action, the same is hereby declared to be a first charge or lien upon the said land, and may be recovered in like manner as municipal taxes.

Authority to proceed with Queen street subway.

8. The said corporation may proceed to widen and construct the Queen street subway, and to complete the same as permitted by the order of the Railway Committee of the Privy Council, and at the option of the said corporation the same may be proceeded with upon the alternative plan therein provided for, of leaving the wall on the south side of Queen street, west of Dufferin street and on the west side of Dufferin street, south of Queen street, as now existing, and by putting proper footings to the said walls.

49 V. c. 66, s. 2 amended.

9. Section 2 of the Act passed by this Legislature in the 49th year of Her Majesty's reign, and chaptered 66, is amended by adding thereto the following sub-section:

(1) The city engineer who had charge of the Don Improvement works having left the employ of the said corporation and having since died, and in a certain action in the High Court of Justice, Chancery Division, brought by Alexander Manning and Randolph MacDonald as plaintiffs, against the corporation of the city of Toronto as defendants, it was

ordered and adjudged that all matters under the contracts referred to in the pleadings, being the only existing contracts relating to works under the Don Improvements, and all the matters arising out of the execution or non-execution of the works in question, but which might not be within the terms of the contracts, and all other matters in dispute and difference between the parties in the said action, should be referred to Charles C. Gregory, Esquire, whose name was to be read in the said contracts wherever the words "Engineer," "Chief Engineer," or "City Engineer," were used, without, however, thereby limiting his powers as to dealing with all the matters thereby referred to him, and the said court did order and adjudge that the said Charles C. Gregory should certify to the final estimate of the work done and money payable to the plaintiffs, and by the report of the said Charles C. Gregory, made in the said action, he, having all the authority of the City Engineer in connection with such contracts, found that no final certificate had been given to the said plaintiffs, and did grant an estimate or final certificate showing the amount due to the plaintiffs, which sum has been paid by the said corporation, thereby finding that all the works under the existing contracts relating to the Don Improvements have been completed to the satisfaction of the city council, and the present city engineer not having the knowledge to give a certificate as the work was completed before his appointment, the said corporation may now proceed to make the assessmets herein provided for without obtaining a certificate from the city engineer of the completion of the said contract, and such assessments shall be as legal as if such certificate had been obtained.

SCHEDULE A.

List of By-laws providing for the issue of debentures passed by the council of the corporation of the City of Toronto at the respective dates set opposite each, the particulars of which are set out below.

Number of by-law.	Nature of work under by-law.	When passed by council	Amount of debt created.	Amount to be borne by city.	Amount to be borne by ratepayers.	Period of payments.	Rate of interest.
			$ c	$ c.	$ c.	Years.	per cent.
3232	Roadway on Centre Road, Crescent Road and South Drive, amended by By-law 3316	March 27th, 1894.	11,302 71	.....	11,302 71	5	4
3249	Consolidating broken amounts mentioned in several local improvement By-laws	May 7th, 1894.	197,014 76	.....	197,014 76	various.	4
3250	Consolidating City's share of the amounts mentioned in several local improvement By-laws	do	125,966 69	125,866 96		various.	4
3290	Roadway on King Street between Strachan Avenue and Armour Street	Jan. 18th, 1895.	1,050 00	.....	1,050 00	2	4
3291	Roadway on Lane facing the south, west and north sides of the Inland Revenue offices on Toronto Street	do	1,066 19	.....	1,066 19	8	4
3292	Roadway on Bleeker Street between Carleton and Wellesley Streets	do	11,638 53	.....	11,638 53	8	4
3293	Roadway on Hoskin Avenue between St. George Street and Queen's Park Crescent Drive	do	13,075 62	.....	13,075 62	10	4
3294	Roadway on Queen Street between Yonge and River Streets	do	59,929 49	.....	59,929 49	10	4
3295	Roadway on Carleton Street between Jarvis and Sherbourne Streets	do	6,140 81	.....	6,140 81	10	4
3296	Consolidating the ratepayers' share of the cost of certain cedar block roadways laid down in the year 1894	do	7,697 51	.....	7,697 51	5	4

SCHEDULE A.—*Continued.*

Number of By-law.	Nature of work under by-law.	When passed by council.	Amount of debt created.	Amount to be borne by city.	Amount to be paid by ratepayers.	Period of payments.	Rate of interest.
			$ c.	$ c.	$ c.	Years.	per cent.
3297	Consolidating the ratepayers' share of the cost of certain sewers constructed during the year 1894	January 18, 1895.	8,505 92	.....	8,505 92	various.	4
3298	Consolidating the ratepayers' share of the cost of certain wooden sidewalks laid down during the year 1894	do	17,199 27	.....	17,199 27	2	4
3301	Consolidating broken amounts mentioned in several local improvement By-laws	do	128,567 03	.....	128,567 03	various.	4
3302	Consolidating city's share of the amounts mentioned in several local improvement By-laws	do	45,208 37	45,208 37	.....	various.	4
3370	Extension of Gladstone Avenue, between Dundas and Bloor Streets to amend By-law 2841	Dec. 16, 1895.	36,180 22	.....	36,180 22	20	4
3386	Consolidating the ratepayers' share of the cost of certain cedar block roadways laid down during the year 1895	March 2, 1896.	11,497 75	.....	11,497 75	5	3½
3387	Consolidating the ratepayers' share of the cost of certain sewers constructed during the year 1895	do	774 03	.....	774 03	10	3½
3388	Consolidating the ratepayers' share of the cost of certain wooden sidewalks laid down in the year 1895	do	17,604 68	.....	17,604 68	2	3½
3389	Roadway on Avenue Road between Bloor Street and Davenport Road	do	11,370 16	.....	11,380 16	10	3½
3390	Roadway on Leader Lane between King and Colbourne Streets	do	462 77	.....	462 77	10	3½
3391	Roadway on St. Patrick Street between Beverley and McCaul Streets	do	4,553 18	.....	4,553 18	10	3½

SCHEDULE A.—*Continued.*

Number of by-law.	Nature of work under by-law.	When passed by council.	Amount of debt created.	Amount to be borne by city.	Amount to be borne by ratepayers.	Period of payments.	Rate of interest.
			$ c.	$ c.	$ c.	Years.	per cent.
3392	Roadway on Victoria Street between Adelaide and Queen Streets	March 2nd, 1896.	5,583 18	.....	5,583 18	10	3½
3393	Roadway on Selby Street between Sherbourne and Huntley Streets	do	2,599 13	.....	2,599 13	10	3½
3394	Sewer on Pears Avenue between the west side of Avenue Road and the west side of Bedford Road	do	4,951 37	.....	4,951 37	10	3½
3395	Concrete roadway, and cement sidewalk (on the west side) on the first lane east of Bay Street between Wellington and Meldina Streets	do	480 84	.....	480 84	5	3½
3396	Concrete roadway on the Lane running east from the first lane east of Bay Street, between the first lane east of Bay Street running from Wellington Street to Melinda Street, and the east terminus of the first mentioned lane	do	253 88	.....	253 88	5	3½
3397	Concrete roadway on the first lane south of King Street from the east side of Leader Lane to the end of said lane a point 72 feet easterly	do	366 00	.....	366 00	10	3½
3398	Concrete sidewalk on the north side of Adelaide Street between the east side of the Post Office property and Church Street, (except a frontage of forty-one feet in front of Nos. 60, 60½, and 62 on said street)	do	603 20	.....	603 20	10	3½

SCHEDULE A.—*Continued.*

Number of by-law.	Nature of work under by-law.	When passed by council.	Amount of debt created.	Amount to be borne by city.	Amount to be borne by ratepayers.	Period of payments.	Rate of interest.
			$ c.	$ c.	$ c.	Years.	per cent.
3399	Concrete sidewalk on the east side of Church Street between Wellington and King streets (excepting 163½ feet in front of the Bank of Toronto, and Queen City Insurance Co's buildings).....	March 2nd, 1896.	395 73	.....	395 73	10	3½
3400	Concrete sidewalks on both sides of Isabella Street between Jarvis Street and Sherbourne Street..	do	1,402 93	.....	1,402 93	10	3½
3401	Concrete sidewalks on both sides of Leader Lane between King Street and Colbourne Street .	do	188 32	.....	188 32	10	3½
3402	Concrete sidewalk on the north side of Lombard Street, between a point 88 feet east of Victoria Street and Church Street, (excepting 78½ feet opposite street numbers 26, 28, 30, 32 and 34)	do	1,032 21	.....	1,032 21	10	3½
3403	Concrete sidewalk on the east side of Sherbourne Street between Wellesley Street and Howard Street (excepting 120 feet in front of numbers 559, 561 and 563)	do	1,705 35	.....	1,705 35	10	3½
3404	Concrete sidewalk on the east side of St. George Street between Hoskin Avenue and Bloor Street	do	1,445 26	.....	1,445 26	10	3½
3405	Concrete sidewalk on the east side of Yonge Street between Maitland Street and Bloor Street....	do	4,648 93	.....	4,948 93	10	3½
3406	Granolithic sidewalk on the north side of Queen Street between Yonge Street and Berkeley Street, (except the portions lying between Seaton and Ontario Streets, and 50½ feet from the west side of Sherbourne Street westerly)..	do	5,707 42	.....	5,707 42	10	3½

SCHEDULE A.—*Concluded.*

Number of by-law.	Nature of work under by-law.	When passed by council.	Amount of debt created.	Amount to be borne by city.	Amount to be borne by ratepayers.	Period of payments.	Rate of interest.
			$ c.	$ c.	$ c.	Years.	per cent.
3407	Consolidating City's share of broken amounts mentioned in the several local improvement By-laws	March 2nd, 1896.	77,626 32	77,626 32	.....	various.	3½
3408	Consolidating City's share of the amounts mentioned in several local improvement By-laws.	do	21,868 34	21,868 34	.....	various.	3½
3420	Consolidated Loan Debentures, to the amount of $70,000.00 for laying a six foot steel conduit pipe from the shore crib near the lighthouse in the said city to the bell-buoy south of Toronto Island	May 11th, 1896.	70,000 00	70,000 00	.....	33	3½
3421	Consolidated Loan Debentures, to the amount of $65,00.00 for building an overhead traffiic bridge at York Street, in said city	do	56,000 00	56,000 00	.....	33	3½
3422	Consolidated Loan Debentures, to the amount of $200,000.00, for the purpose of completing the new Court House and City Hall buildings	May 27th, 1896.	200,000 00	200,000 00	.....	33	3½
3444	Consolidated Loan Debentures to the amount of $130,000.00, for widening the Queen Street Subway in said city	Sept. 21st, 1896.	130,000 00	130,000 00	.....	35	3½

SCHEDULE B.

This indenture, made in triplicate the day of in the year of our Lord one thousand eight hundred and ninety-seven, between the corporation of the city of Toronto, hereinafter called the "corporation," of the first part, and the Toronto Railway Company, hereinafter called the "company," of the second part.

1. Whereas, by an indenture made the first day of September, 1891, between the said corporation of the first part, and George Washington Kiely, William McKenzie, Henry Azariah Everett and Chauncey Clark Woodworth, thereinafter called the "purchasers" of the second part, the said corporation, for the consideration therein expressed, did grant unto the said purchasers, as therein provided, the right to operate surface street railways in the city of Toronto, upon the terms and conditions therein mentioned.

2. And whereas the said purchasers were duly incorporated by an Act of the Legislature of the Province of Ontario, intituled "An Act to Incorporate the Toronto Railway Company and to Confirm an Agreement between the Corporation of the City of Toronto and Geo. W. Kiely, William McKenzie, Henry A. Everett and Chauncey C. Woodworth," and the said agreement, with the conditions, documents and schedules therein referred to, is validated, construed and limited as therein mentioned.

3. And whereas the said purchasers have duly granted and assigned to the company the said agreement, and the properties, rights and privileges therein mentioned, and the said company has been duly substituted as the contracting party with the said corporation, in the place and stead of the said purchasers, under the said agreement, and the said agreement, conditions and documents contained in the said Act of incorporation, form the existing contract between the corporation and the company in regard to the street railway privilege of the city of Toronto.

4. And whereas it is provided in clause 40 of the conditions annexed to the said agreement that no car shall be run on the Lord's Day until a Sunday service has been approved of by the citizens by a vote taken on the question.

5. And whereas, by section 1 of the said Act, the company is declared entitled to the exclusive right and privilege of using and working the street railways in and upon the streets of the said city, with certain exceptions therein set out, for the full period of thirty years from the first day of September, 1891, on all days except Sundays, and no longer, but subject nevertheless to all the conditions, provisoes and restrictions in the said agreement expressed or contained, and as thereinafter mentioned, and it is therein provided that notwithstanding anything in Schedule "A" thereto, or in the said Act contained, no street car shall run on the Lord's day, but that nothing therein contained shall extend to prohibit the doing of any act which is not a contravention of the Revised Statute, chapter 203, intituled "An Act to prevent the profanation of the Lord's Day," if and when such act shall have been approved of by the citizens by a vote taken on the question, as provided by the said agreement.

6. And whereas, a largely signed petition has been sent in to the council of the said corporation asking to have submitted to the vote of the citizens the question of operating a Sunday service, and it is deemed expedient to enter into an agreement as to such Sunday service, and the character and extent thereof, as provided by the Act, 57 Victoria, chapter 93, and this agreement is being entered into upon the assumption that the running of cars upon the Lord's day is an act not prohibited by the Lord's Day Act.

7. Now therefore, this indenture witnesseth that the corporation and the company do by these presents mutually and respectively admit, declare and agree with each other, and with the successors and assigns of each other, that all the conditions, agreements and stipulations contained in the said agreement dated the first day of September, 1891, and in the Act of incorporation of the company and the schedules incorporated therewith, inclusive of the obligation of the company to pay the percentages on the gross receipts under the ninth condition of sale of the street railway franchise of

the city of Toronto, and under the sixteenth paragraph of the said agreement, are all valid, binding and operative conditions, agreements and stipulations between the corporation and the company, and do and shall relate to and govern all the mutual and respective obligations of the corporation and the company, on Sunday as on every other day of the week, except so far as the same are varied by this agreement.

8. It is mutually agreed that the cars shall be run upon Sundays over the whole and entire system of street railway tracks in the city of Toronto, and any extensions of the same which may be hereafter made during the continuance in force of the agreement hereinbefore in part recited, and shall include a night service if deemed necessary by the city engineer and the city council.

9. It is also mutually agreed that the speed of the cars and the number of cars to be run per hour which are necessary on each main line or branch, or any part thereof, shall be as determined by the city engineer from time to time, and approved of by the council.

10. It is also mutually agreed by and between the parties hereto that the cars shall not run at a greater speed than four miles an hour while passing any place of worship or Sunday school building during the hours of all services, and the gong or gongs thereon shall not ring within 200 feet of any place of worship or Sunday school building during the hours of all services; provided that the authorities of such church or churches erect a sign on the street line, satisfactory to the city engineer, announcing their hours of service, and that the performance of this clause may be specifically enforced by the order and injunction of the High Court of Justice.

11. The service upon any street, or portion of the same, may be discontinued if recommended by the city engineer and mutually agreed upon by the city council and the railway company, but not otherwise, and such service, or any portion or portions thereof, may be thereafter restored by the order of the engineer with the approval of the city council as aforesaid, when such may be considered advisable or necessary.

12. And the said company, in consideration of the premises and also in consideration of the said corporation submitting the question of the running of the cars upon Sunday to the vote of the citizens, doth for itself, its successors and assigns, covenant, promise and agree with the said corporation, that the said company, its successors and assigns, will not require or permit any of its employees to work in its service more than ten hours per day or more than sixty hours per week, all of which sixty hours' work is to be performed in six days of such week, and that no employee having worked upon six days shall be required or permitted to resume work until he has been a complete day of twenty-four consecutive hours off work, which twenty-four consecutive hours shall be computed from 5.30 o'clock a.m. of such day.

Provided, however, that work rendered necessary by exceptional accidents, unusual storms or civil commotions, or for operating the cars during the time of the Industrial Exhibition not exceeding 12 days in each year, requiring the employment of men for extra work, certified by the city engineer, or by the county judge, as hereinafter provided, to have been necessary in the reasonable operation of the railway, shall not be held to be a violation of this section, nor shall the employment of the superintendent and one assistant, the chief engineer and one assistant, the electrician and one assistant, and the roadmasters (not to exceed six in number), while engaged in the necessary work of the Company for parts of seven days of the week be held to be a violation hereof; Provided, however, that either party hereto may within two weeks after the decision of the city engineer in any matter provided for in this section, communicated to both parties hereto, appeal from such decision to the county judge, whose decision shall be final and binding upon both parties hereto, and in the event of no appeal being taken within the time aforesaid, the decision of the said city engineer shall be final and binding upon both parties hereto.

(1) The word "week" in this agreement means any seven consecutive days, whether the same begin with Sunday or any other day of the week.

(2) And the company, for itself, its successors and assigns, covenants with the said corporation, that if at any time any judge of the County Court of the county of York, upon a summary application to him by the said corporation, of which two days' notice in writing shall be given to the company, shall adjudge and report to the council of the said corporation that there has been a substantial breach of the said covenant, promise and agreement which could reasonably have been avoided, then the council of the said corporation, within three months after the receipt of the said report (or after the final decision of the said question in the event of an appeal), but not afterwards, may pass a resolution annulling any right acquired by the said company under and by virtue of the said vote or of this agreement to run street cars on Sunday, and upon the passing of such resolution, any such right which may be so acquired by the said company shall by virtue thereof cease and determine. Provided, however, that in lieu of passing such resolution to annul the rights of the company to run Sunday cars, the said council may, for each and every such breach, impose upon the said company a penalty of $500, or such lesser sum (not less than $100) as the said council may deem reasonable.

(3) And the company, for itself, its successors and assigns, doth covenant promise and agree with the corporation that it will not after the passing of such resolution attempt to exercise any right to run street cars on Sunday which may be acquired by virtue of the said vote, or of this agreement, and the running of street cars on Sunday by virtue of such authority may, after the passing of such resolution, be restrained by the order and injunction of any court of competent jurisdiction, or in the event of the said council imposing a penalty as hereinbefore is provided, the company will pay the amount thereof within seven days after being notified of the action of the council, and if not paid, the said corporation may recover the same with costs of action in any court having jurisdiction to the amount of said penalty.

(4) Upon the hearing of such application, the said County Court Judge may summon witnesses, take evidence upon oath, order production of books and papers, and exercise all the other powers mentioned in clause forty-three of the conditions of sale forming part of the existing agreement between the company and the corporation and also the powers of an arbitrator under the Acts respecting arbitrations and references, and he shall report to the council the evidence and his decision thereon and the grounds thereof, and either the corporation or the company may, within one month after the date of said report, appeal from the decision of the said judge to the Court of Appeal for Ontario, and the decision of the Court of Appeal shall be final, and the said parties hereto consent to the said County Court Judge and the said Court of Appeal having jurisdiction to hear, try and determine the matters hereinbefore agreed to be submitted to them respectively.

(5) Provided always and it is hereby declared and agreed by and between the said parties that these presents are predicated upon the vote of a majority of the citizens being in favor of a Sunday car service, and of a Sunday car service being established in pursuance thereof, and that in the event of any right which may be acquired by the company under and by virtue of the said vote being annulled by resolution of the council, as hereinbefore mentioned, the original position and rights of the citizens and of the company and the corporation under the said existing agreement and under the Act of Incorporation of the company and subsequent legislation in relation to the question of a Sunday car service shall be restored and shall not be effected or prejudiced by reason of the premises.

13. Any ticket issued by the company under the said agreement of the 1st of September, 1891, except the ones sold at the rate of eight for twenty-five cents, may be used and shall be good at any time on Sunday, but a special ticket shall be issued and sold by all conductors and at the offices of the company on Sunday, at the rate of seven of them for twenty-five cents, and such tickets may be used upon all cars running upon Sundays, and also upon other days within the hours or times on which the class of tickets sold at the rate of eight for twenty-five cents may be used.

14. In the event of a majority of the citizens voting in favor of a Sunday car service, and the by-law embodying this agreement having passed the council of the said corporation, the said company covenants, promises and agrees to and with the said corporation that the said company will upon each and every Sunday thereafter while this agreement remains in force provide a service of cars upon each line of railway operated, or that may hereafter be operated, by the said company in the city of Toronto, during the hours and upon the terms and conditions set out in the said agreement of the 1st September, 1891, except as varied by this agreement; and that the said agreement of 1891, with the amendments or alterations provided by this agreement, shall apply to the operations of cars upon Sundays.

15. This agreement is provisional, and shall not have any force or effect until the by-law embodying the provisions thereof has been assented to by a vote of the citizens taken thereon, as provided for in the Act passed by the Legislature of the Province of Ontario in the 57th year of Her Majesty's reign, and chaptered 93.

16. In the event of any court of competent jurisdiction in the Province of Ontario holding that the said corporation had not power to enter into this agreement, or to authorize the running of cars upon Sunday, or should any cause or causes arise beyond the jurisdiction of this council which may prevent the running of street cars on Sundays, then and in any or either of such events the said company shall not have any claim, and the said company agrees that it will not make any claim against the said corporation for entering into this agreement, or for the privilege thereby granted being put an end to by such decision or cause.

17. In the event of a by-law being passed as herein provided, the parties hereto agree to apply to the next session of the Legislature of the Province of Ontario to validate and confirm this agreement, and to authorize the said corporation to impose a penalty as herein provided for, and to collect the same by action if not paid by the said company, and to provide that any penalty imposed by or under the provisions of this agreement, shall not be relieved against by any court or judge; also, to confer upon the County Court Judge, and Court of Appeal respectively, jurisdiction to hear and determine the matters herein provided to be determined by them, and each party will assist in obtaining such legislation.

No. 38.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the City of Toronto.

First Reading, 1897.

(Private Bill.)

Mr. MARTER.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 38.] BILL. [1897.

An Act respecting the City of Toronto.

WHEREAS the corporation of the city of Toronto has by its petition prayed for special legislation in respect to the several matters herein set forth; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 7 of the Act passed by the Legislature of the Province of Ontario in the 58th year of Her Majesty's reign, and chaptered 89, is amended by striking out the words "the assessments upon whose lands are hereby confirmed," in the seventh and eighth lines of said section, and inserting in lieu thereof the following words: "being owners or otherwise interested in lands fronting or abutting upon Hamilton Street or North Gladstone Avenue." 58 V. c. 89, s. 7. amended.

(2) Nothing in this section contained shall prejudice or affect the question of costs of any action or proceeding now pending.

☞2. The corporation of the city of Toronto may and shall within three months after the coming into force of this Act, pass a by-law amending by-law 2,841, passed on the 2nd day of February, 1891, so as to provide that the total amount paid or to be paid as the ratepayers' share of the cost of the improvement therein mentioned shall be $14,000, instead of the sum in the said by-law 2,841 mentioned; and assessing the balance still unpaid of the said sum of $14,000 upon the lands fronting or abutting on Gladstone Avenue between the northerly limit of Dundas Street and the southerly limit of

that portion of Gladstone Avenue formerly known as Hamilton Street, according to the frontage thereof on Gladstone Avenue; but the said assessment shall be so made that the frontage rate to be imposed upon the lands fronting or abutting on that portion of Gladstone Avenue between the northerly limit of Dundas Street and the northerly limit of Gladstone Avenue, as shown on plan D. 6, shall be only one-half of the rate per foot imposed upon the lands fronting or abutting on Gladstone Avenue between the southerly limit of lot 31, plan D 6, and the southerly limit of what was formerly Hamilton Street. The time over which the payments under the said by-law so to be passed as aforesaid is extended shall be ten years from the date of the passing thereof; and the corporation of the city of Toronto may and shall assume the balance of the cost of the said improvement as the city's share thereof, and may make refunds to all parties who have heretofore paid their assessments under said by-law 2,841, so that they shall not be liable for or chargeable with more that the amount of the rates hereby authorized to be imposed.

Certain by-laws confirmed.

3. The by-laws of the corporation of the city of Toronto specified in schedule "A" hereto, and all debentures issued or to be issued thereunder, and all assessments made for the payment thereof, are hereby validated and confirmed.

Island car service agreement authorized.

4.—(1) "A certain agreement made between the said corporation and the Toronto Railway Company respecting the Island service, and which is printed as Schedule B hereto, is hereby validated and confirmed, and the said parties thereto are hereby empowered to do all acts necessary to give effect to the same," and the said corporation is hereby empowered to expropriate such lands, or such interests therein, as they may deem necessary to carry out the said agreement, making such compensation therefor as the owners thereof may be entitled to, upon the same being determined under the arbitration clauses of *The Municipal Act*, and all sections in the said Act as to expropriation and arbitration shall apply, and also *The Municipal Arbitrations Act.*

(2) The council of the corporation of the city of Toronto shall, before undertaking the erection of any bridge or bridges, tunnel or other means of street railway communication with the Island, obtain the approval and consent of the Governor-General of Canada in Council, and shall cause proper plans of survey to be made, and proper plans, profiles, drawings and specifications of the work to be done and improvements to be made, to be prepared, and procure proper estimates of the probable cost of the lands to be taken and of the amount of damages to properties and rights injuriously affected, together with proper estimates of the probable cost of the whole of the

works necessary to connect the present street railway system with the proposed Island railway, other than the extension of the tracks of the said railway on the streets of the city, and shall cause the same to be duly published for the information of the ratepayers: and they shall also submit the questions of undertaking the said works at the estimated cost to a vote of and procure the assent of the electors qualified to vote on money by-laws under the provisions of the *Consolidated Municipal Act, 1892*, and amending Acts in that behalf.

(3) Nothing in this Act or the said agreement contained, or done in pursuance thereof, shall prejudice or affect the rights and positions of the bondholders of the said railway company, or of the trustees of the mortgage securing said bonds.

Sunday car agreement confirmed.

5. The agreement made between the said corporation and the Toronto Railway Company respecting the operation of street cars upon the Lord's Day in the city of Toronto, and which is printed as schedule "C" hereto, is hereby validated and confirmed, and the said parties thereto are hereby declared to have and to have had power to do all acts necessary to give effect to the same; but this section and the agreement hereby confirmed is not to have any force or effect unless and until a by-law is embodying the same has been approved of by the voters, as provided in the Act passed by this Legislature in the 57th year of Her Majesty's reign, and chaptered 93. Proviso

Provided, however, that the confirmation of the said agreement is not to legalize the running of cars upon the Lord's Day, if the same is a contravention of the Revised Statute 203, intituled "An Act to prevent the profanation of the Lord's Day." R. S. O. c. 203.

The said corporation is hereby authorized to impose from time to time penalties, as provided for in the said agreement, and to collect the same if not paid by the said company by action as if the same were a debt due by the company to the corporation, and any penalty imposed by or under the provisions of the said agreement shall not be relieved against by any Court or Judge. The County Court Judge of the County of York, and the Court of Appeal of the Province of Ontario, respectively, shall have jurisdiction to, and it shall be their duty, to hear and determine the matters in the said agreement provided to be determined by them, and no objection shall be competent to either party to the said agreement as to the jurisdiction of the said County Court Judge and the Court of Appeal respectively.

6. Notwithstanding the provisions of section 2 of the Act passed by this Legislature in the 49th year of Her Majesty's reign, chaptered 66, of section 3 of the Act of 52 Victoria, chaptered 73, and of section 3 of the Act 54 Victoria, chaptered 82, the said corporation may proceed to assess as authorized by said section 2 without obtaining the certificate of the

city engineer therein referred to, whether the work referred to in the said sections has been completed or not, and in making the special assessments authorized by the said Acts, regard shall be had to the provisions of sub-section 3 of section 4 of the firstly mentioned Act, and the fact that the work has been completed shall be an element to be considered in making the said special assessment.

SCHEDULE A.

List of By-laws providing for the issue of debentures passed by the council of the corporation of the City of Toronto at the respective dates set opposite each, the particulars of which are set out below.

Number of by-law.	Nature of work under by-law.	When passed by council.	Amount of debt created.	Amount to be borne by city.	Amount to be borne by ratepayers.	Period of payments.	Rate of interest.
			$ c.	$ c.	$ c.	Years.	per cent.
3232	Roadway on Centre Road, Crescent Road and South Drive, amended by By-law 3316	March 27th, 1894.	11,302 71	.....	11,302 71	5	4
3249	Consolidating broken amounts mentioned in several local improvement By-laws	May 7th, 1894.	197,014 76	.....	197,014 76	various.	4
3250	Consolidating City's share of the amounts mentioned in several local improvement By-laws	do	125,966 69	125,866 96		various.	4
3290	Roadway on King Street between Strachan Avenue and Armour Street	Jan. 18th, 1895.	1,050 00	.....	1,050 00	2	4
3291	Roadway on Lane facing the south, west and north sides of the Inland Revenue offices on Toronto Street	do	1,066 19	.....	1,066 19	8	4
3292	Roadway on Bleeker Street between Carleton and Wellesley Streets	do	11,638 53	.....	11,638 53	8	4
3293	Roadway on Hoskin Avenue between St. George Street and Queen's Park Crescent Drive	do	13,075 62	.....	13,075 62	10	4
3294	Roadway on Queen Street between Yonge and River Streets	do	59,929 49	.....	59,929 49	10	4
3295	Roadway on Carleton Street between Jarvis and Sherbourne Streets	do	6,140 81	.....	6,140 81	10	4
3296	Consolidating the ratepayers' share of the cost of certain cedar block roadways laid down in the year 1894	do	7,697 51	.....	7,697 51	5	4

SCHEDULE A.—*Continued.*

Number of By-law.	Nature of work under by-law.	When passed by council.	Amount of debt created.	Amount to be borne by city.	Amount to be paid by ratepayers.	Period of payments.	Rate of interest.
			$ c.	$ c.	$ c.	Years.	per cent.
3297	Consolidating the ratepayers' share of the cost of certain sewers constructed during the year 1894	January 18, 1895.	8,505 92	.....	8,505 92	various.	4
3298	Consolidating the ratepayers' share of the cost of certain wooden sidewalks laid down during the year 1894	do	17,199 27	.....	17,199 27	2	4
3301	Consolidating broken amounts mentioned in several local improvement By-laws	do	128,567 03	.....	128,567 03	various.	4
3302	Consolidating city's share of the amounts mentioned in several local improvement By laws	do	45,208 37	45,208 37	.....	various.	4
3370	Extension of Gladstone Avenue, between Dundas and Bloor Streets to amend By-law 2841	Dec. 16, 1895.	36,180 22	.....	36,180 22	20	4
3386	Consolidating the ratepayers' share of the cost of certain cedar block roadways laid down during the year 1895	March 2, 1896.	11,497 75	.....	11,497 75	5	3½
3387	Consolidating the ratepayers' share of the cost of certain sewers constructed during the year 1895	do	774 03	.....	774 03	10	3½
3388	Consolidating the ratepayers' share of the cost of certain wooden sidewalks laid down in the year 1895	do	17,604 68	.....	17,604 68	2	3½
3389	Roadway on Avenue Road between Bloor Street and Davenport Road	do	11,370 16	.....	11,380 16	10	3½
3390	Roadway on Leader Lane between King and Colbourne Streets	do	462 77	.....	462 77	10	3½
3391	Roadway on St. Patrick Street between Beverley and McCaul Streets	do	4,553 18	.....	4,553 18	10	3½

SCHEDULE A.—*Continued.*

Number of by-law.	Nature of work under by-law.	When passed by council.	Amount of debt created.	Amount to be borne by city.	Amount to be borne by ratepayers.	Period of payments.	Rate of interest.
			$ c.	$ c.	$ c.	Years.	per cent.
3392	Roadway on Victoria Street between Adelaide and Queen Streets	March 2nd, 1896.	5,583 18	.....	5,583 18	10	3½
3393	Roadway on Selby Street between Sherbourne and Huntley Streets	do	2,599 13	.....	2,599 13	10	3½
3394	Sewer on Pears Avenue between the west side of Avenue Road and the west side of Bedford Road	do	4,951 37	.....	4,951 37	10	3½
3395	Concrete roadway, and cement sidewalk (on the west side) on the first lane east of Bay Street between Wellington and Meldina Streets	do	480 84	.....	480 84	5	3½
3396	Concrete roadway on the Lane running east from the first lane east of Bay Street, between the first lane east of Bay Street running from Wellington Street to Melinda Street, and the east terminus of the first mentioned lane	do	253 88	.....	253 88	5	3½
3397	Concrete roadway on the first lane south of King Street from the east side of Leader Lane to the end of said lane a point 72 feet easterly	do	366 00	.....	366 00	10	3½
3398	Concrete sidewalk on the north side of Adelaide Street between the east side of the Post Office property and Church Street, (except a frontage of forty-one feet in front of Nos. 60, 60½, and 62 on said street)	do	603 20	.....	603 20	10	3½

SCHEDULE A.—*Continued.*

Number of by-law.	Nature of work under by-law.	When passed by council.	Amount of debt created.	Amount to be borne by city.	Amount to be borne by ratepayers.	Period of payments.	Rate of interest.
			$ c.	$ c.	$ c.	Years.	per cent.
3399	Concrete sidewalk on the east side of Church Street between Wellington and King streets (excepting 163½ feet in front of the Bank of Toronto, and Queen City Insurance Co's buildings).....	March 2nd, 1896.	395 73	.....	395 73	10	3½
3400	Concrete sidewalks on both sides of Isabella Street between Jarvis Street and Sherbourne Street..	do	1,402 93	.....	1,402 93	10	3½
3401	Concrete sidewalks on both sides of Leader Lane between King Street and Colbourne Street ..	do	188 32	.....	188 32	10	3½
3402	Concrete sidewalk on the north side of Lombard Street, between a point 88 feet east of Victoria Street and Church Street, (excepting 78½ feet opposite street numbers 26, 28, 30, 32 and 34)	do	1,032 21	.....	1,032 21	10	3½
3403	Concrete sidewalk on the east side of Sherbourne Street between Wellesley Street and Howard Street (excepting 120 feet in front of numbers 559, 561 and 563).....	do	1,705 35	.....	1,705 35	10	3½
3404	Concrete sidewalk on the east side of St. George Street between Hoskin Avenue and Bloor Street	do	1,445 26	.....	1,445 26	10	3½
3405	Concrete sidewalk on the east side of Yonge Street between Maitland Street and Bloor Street....	do	4,648 93	.....	4,948 93	10	3½
3406	Granolithic sidewalk on the north side of Queen Street between Yonge Street and Berkeley Street, (except the portions lying between Seaton and Ontario Streets, and 50 4/12 feet from the west side of Sherbourne Street westerly)..	do	5,707 42	.....	5,707 42	10	3½

SCHEDULE A.—*Concluded.*

Number of by-law.	Nature of work under by-law.	When passed by council.	Amount of debt created.	Amount to be borne by city.	Amount to be borne by ratepayers.	Period of payments.	Rate of interest.
			$ c.	$ c.	$ c.	Years.	per cent.
3407	Consolidating City's share of broken amounts mentioned in the several local improvement By-laws	March 2nd, 1896.	77,626 32	77,626 32	.....	various.	3½
3408	Consolidating City's share of the amounts mentioned in several local improvement By-laws.	do	21,868 34	21,868 34	.....	various.	3½
3420	Consolidated Loan Debentures, to the amount of $70,000.00 for laying a six foot steel conduit pipe from the shore crib near the lighthouse in the said city to the bell-buoy south of Toronto Island	May 11th, 1896.	70,000 00	70,000 00	.....	33	3½
3421	Consolidated Loan Debentures, to the amount of $56,000.00 for building an overhead traffiic bridge at York Street, in said city	do	56,000 00	56,000 00	.....	33	3½
3422	Consolidated Loan Debentures, to the amount of $200,000.00, for the purpose of completing the new Court House and City Hall buildings	May 27th, 1896.	200,000 00	200,000 00	.....	33	3½
3444	Consolidated Loan Debentures to the amount of $130,000.00, for widening the Queen Street Subway in said city	Sept. 21st, 1896.	130,000 00	130,000 00	.....	35	3½

SCHEDULE B.

This indenture, made in triplicate the 26th day of March, A.D. 1897, between the corporation of the city of Toronto, hereinafter called the "corporation" of the first part, and the Toronto Railway Company, hereinafter called the "company," of the second part.

1. Whereas, by an indenture made the first day of September, 1891, between the said corporation of the first part, and George Washington Kiely, William McKenzie, Henry Azariah Everett and Chauncey Clark Woodworth, thereinafter called the purchasers of the second part, the said corporation for the consideration therein expressed did grant unto the said purchasers, as therein provided, the right to operate surface street railrailways in the city of Toronto, excepting on the Island, and other ex cepted portions of the city as therein specified.

2. And whereas the said purchasers were duly incorporated by an Act of the Legislature of the Province of Ontario, entitled "An Act to Incorporate the Toronto Railway Company, and to confirm the Agreement between the Corporation of the City of Toronto and George W. Kiely, William McKenzie, Henry A. Everett and Chauncey C. Woodworth," and the said purchasers have since duly granted and assigned to the company the said agreement, and all the properties, rights and privileges therein mentioned, subject to the obligations, conditions, agreements and provisos contained in the said Act of Incorporation and the several schedules incorporated therewith.

3. And whereas by Report Number 2 of the Special Committee of the Council of the said Corporation *re* Sunday Car Agreement, adopted by the Council on the thirtieth day of December, 1896, it was recommended that an agreement should be prepared respecting the construction and operation of an Island service in pursuance of the proposition contained in a Message of His Worship the Mayor and certain correspondence between His Worship and Mr. George H. Bertram, on behalf of the Toronto Railway Company, and that the agreement should be approved of by the said Council.

4. And whereas this agreement has been prepared in pursuance of such correspondence, and as such has been approved of by the Council of the said corporation on the 25th day of March, 1897.

5. Now therefore this indenture witnesseth that the corporation and the company do by these presents mutually and respectively agree with each other, and with the successors and assigns of each other, that the Island, sometimes known as "Hiawatha," be included in the agreement of the first day of September, 1891, as though the Island had not been excepted therefrom but had been included therein, and that all the conditions, agreements and stipulations contained in the said agreement, dated the first day of September, 1891, and in the Act of Incorporation of the company and the schedules incorporated therewith, inclusive of the obligation of the company to pay the mileage payments and percentages on the gross receipts under the ninth condition of sale of the street railway franchise of the city of Toronto, and under the fifteenth and sixteenth paragraphs of the said agreement, shall be all valid, binding and operative conditions, agreements and stipulations between the corporation and the said company, and shall relate to and govern all the mutual and respective obligations of the corporation and the company, except so far as the same are varied by this agreement.

6. It is mutually agreed by and between the parties hereto, that the company will extend their track or tracks on the mainland to the water's edge and operate their cars thereon so as to meet the city's requirements for a convenient and efficient Island service to and from the Island by ferries, the city to provide any necessary right of way and to bear any further expense to reach the water's edge other than providing the necessary material for and laying, constructing or erecting the tracks, rails, poles, wires and other necessary equipment of the railway and operating the cars on the tracks so laid, and as soon as the Council provides a bridge o r bridges or other means of communication sufficient to meet the necessities o f traffic, the company will extend their track or tracks to and over such

bridge or bridges, or other means of communication to the Island, and lay, extend and locate their tracks upon the Island from time to time where and in such places as in the opinion of the City Engineer and the City Council may be considered reasonable and necessary; but in case of any dispute as to what may be reasonable and necessary, the reasonableness and necessity shall be settled and finally determined by the person who shall occupy the position of the President of the High Court of Justice for Ontario, or who may perform the duties and have the powers now possessed by that person, or in case such person refuses so to act, then by such person as he may appoint upon the application of either of the parties hereto, upon notice to the other party hereto.

7. And the said company, for themselves, their successors or assigns, covenant, promise and agree to and with the said corporation that if the said company shall neglect or refuse, within a period of three months after notice so to do, to extend their track or tracks on the mainland to the water's edge, or to extend their track or tracks over such bridge or bridges or other means of communication, or to connect the present City service with the said tracks upon the Island, or to lay and extend their tracks upon the Island from time to time as in the opinion of the City Engineer and the City Council may be reasonable or necessary, then and in either or any of such cases, the City Engineer may, either with or without notice, take such steps, procure such material, teams and men, and do such work or things as he may deem advisable to provide such track or tracks, or any or either of them, or towards carrying out this agreement, and any and all expenses so incurred shall be a debt due from the said Company to the said Corporation, and may be recovered as such in any Court of competent jurisdiction;

8. It is also mutually agreed by and between the parties hereto that the right of way upon the Island and the means of access from one part thereof to other parts thereof are to be provided by the said Corporation and need not be otherwise public highways, and the said Corporation is also to make and construct such width of roadway thereon as may be considered necessary by the City Engineer, but the said Corporation shall be under no obligation to construct any particular width of railway upon the Island.

9. It is also mutually agreed by and between the parties hereto that the Company, immediately after the Corporation has supplied a bridge or bridges or other means of communication to the Island, will proceed, upon instructions from the City Engineer, to construct and operate a railway or railways to and upon the Island and upon the approaches to the water's edge or over the said bridge or bridges, as may be necessary to carry passengers thereon, and will carry passengers over and operate their entire system and every part thereof at the fares and upon the terms and conditions provided for in the original agreement of the 1st of September, 1891, and any amendments thereto.

10. It is hereby mutually agreed that the Company shall not be required to operate their cars on the Island between the first day of November and the first day of April in each year; but this shall not in any way lessen the Company's obligation to pay full mileage for the entire year.

11. It is further agreed that the Company will not be required to construct or extend their tracks upon the Island, between the 1st day of September, 1911, and the 31st day of August, 1921.

12 The parties hereto agree to apply from time to time, as the Council of the City of Toronto may consider necessary, to the Legislature of the the Province of Ontario to validate and confirm this agreement, and each party hereto will assist in obtaining such legislation.

In witness whereof the parties hereto have affixed their respective seals and set to the signature of the proper officers in that behalf.

Signed, Sealed and Delivered in the presence of

SCHEDULE C.

This indenture, made in triplicate the day of in the year of our Lord one thousand eight hundred and ninety-seven, between the corporation of the city of Toronto, hereinafter called the "corporation," of the first part, and the Toronto Railway Company, hereinafter called the "company," of the second part.

1. Whereas, by an indenture made the first day of September, 1891, between the said corporation of the first part, and George Washington Kiely, William McKenzie, Henry Azariah Everett and Chauncey Clark Woodworth, thereinafter called the "purchasers" of the second part, the said corporation, for the consideration therein expressed, did grant unto the said purchasers, as therein provided, the right to operate surface street railways in the city of Toronto, upon the terms and conditions therein mentioned.

2. And whereas the said purchasers were duly incorporated by an Act of the Legislature of the Province of Ontario, intituled "An Act to Incorporate the Toronto Railway Company and to Confirm an Agreement between the Corporation of the City of Toronto and Geo. W. Kiely, William McKenzie, Henry A. Everett and Chauncey C. Woodworth," and the said agreement, with the conditions, documents and schedules therein referred to, is validated, construed and limited as therein mentioned.

3. And whereas the said purchasers have duly granted and assigned to the company the said agreement, and the properties, rights and privileges therein mentioned, and the said company has been duly substituted as the contracting party with the said corporation, in the place and stead of the said purchasers, under the said agreement, and the said agreement, conditions and documents contained in the said Act of incorporation, form the existing contract between the corporation and the company in regard to the street railway privilege of the city of Toronto.

4. And whereas it is provided in clause 40 of the conditions annexed to the said agreement that no car shall be run on the Lord's Day until a Sunday service has been approved of by the citizens by a vote taken on the question.

5. And whereas, by section 1 of the said Act, the company is declared entitled to the exclusive right and privilege of using and working the street railways in and upon the streets of the said city, with certain exceptions therein set out, for the full period of thirty years from the first day of September, 1891, on all days except Sundays, and no longer, but subject nevertheless to all the conditions, provisoes and restrictions in the said agreement expressed or contained, and as thereinafter mentioned, and it is therein provided that notwithstanding anything in Schedule "A" thereto, or in the said Act contained, no street car shall run on the Lord's day, but that nothing therein contained shall extend to prohibit the doing of any act which is not a contravention of the Revised Statute, chapter 203, intituled "An Act to prevent the profanation of the Lord's Day," if and when such act shall have been approved of by the citizens by a vote taken on the question, as provided by the said agreement.

6. And whereas, a largely signed petition has been sent in to the council of the said corporation asking to have submitted to the vote of the citizens the question of operating a Sunday service, and it is deemed expedient to enter into an agreement as to such Sunday service, and the character and extent thereof, as provided by the Act, 57 Victoria, chapter 93, and this agreement is being entered into upon the assumption that the running of cars upon the Lord's day is an act not prohibited by the Lord's Day Act.

7. Now therefore, this indenture witnesseth that the corporation and the company do by these presents mutually and respectively admit, declare and agree with each other, and with the successors and assigns of each other, that all the conditions, agreements and stipulations contained in the said agreement dated the first day of September, 1891, and in the Act of incorporation of the company and the schedules incorporated therewith, inclusive of the obligation of the company to pay the percentages on the gross receipts under the ninth condition of sale of the street railway franchise of

the city of Toronto, and under the sixteenth paragraph of the said agreement, are all valid, binding and operative conditions, agreements and stipulations between the corporation and the company, and do and shall relate to and govern all the mutual and respective obligations of the corporation and the company, on Sunday as on every other day of the week, except so far as the same are varied by this agreement.

8. It is mutually agreed that the cars shall be run upon Sundays over the whole and entire system of street railway tracks in the city of Toronto, and any extensions of the same which may be hereafter made during the continuance in force of the agreement hereinbefore in part recited, and shall include a night service if deemed necessary by the city engineer and the city council.

9. It is also mutually agreed that the speed of the cars and the number of cars to be run per hour which are necessary on each main line or branch, or any part thereof, shall be as determined by the city engineer from time to time, and approved of by the council.

10. It is also mutually agreed by and between the parties hereto that the cars shall not run at a greater speed than four miles an hour while passing any place of worship or Sunday school building during the hours of all services, and the gong or gongs thereon shall not ring within 200 feet of any place of worship or Sunday school building during the hours of all services; provided that the authorities of such church or churches erect a sign on the street line, satisfactory to the city engineer, announcing their hours of service, and that the performance of this clause may be specifically enforced by the order and injunction of the High Court of Justice.

11. The service upon any street, or portion of the same, may be discontinued if recommended by the city engineer and mutually agreed upon by the city council and the railway company, but not otherwise, and such service, or any portion or portions thereof, may be thereafter restored by the order of the engineer with the approval of the city council as aforesaid, when such may be considered advisable or necessary.

12. And the said company, in consideration of the premises and also in consideration of the said corporation submitting the question of the running of the cars upon Sunday to the vote of the citizens, doth for itself, its successors and assigns, covenant, promise and agree with the said corporation, that the said company, its successors and assigns, will not require or permit any of its employees to work in its service more than ten hours per day or more than sixty hours per week, all of which sixty hours' work is to be performed in six days of such week, and that no employee having worked upon six days shall be required or permitted to resume work until he has been a complete day of twenty-four consecutive hours off work, which twenty-four consecutive hours shall be computed from 5.30 o'clock a.m. of such day.

Provided, however, that work rendered necessary by exceptional accidents, unusual storms or civil commotions, or for operating the cars during the time of the Industrial Exhibition not exceeding 12 days in each year, requiring the employment of men for extra work, certified by the city engineer, or by the county judge, as hereinafter provided, to have been necessary in the reasonable operation of the railway, shall not be held to be a violation of this section, nor shall the employment of the superintendent and one assistant, the chief engineer and one assistant, the electrician and one assistant, and the roadmasters (not to exceed six in number), while engaged in the necessary work of the Company for parts of seven days of the week be held to be a violation hereof; Provided, however, that either party hereto may within two weeks after the decision of the city engineer in any matter provided for in this section, communicated to both parties hereto, appeal from such decision to the county judge, whose decision shall be final and binding upon both parties hereto, and in the event of no appeal being taken within the time aforesaid, the decision of the said city engineer shall be final and binding upon both parties hereto.

(1) The word "week" in this agreement means any seven consecutive days, whether the same begin with Sunday or any other day of the week.

(2) And the company, for itself, its successors and assigns, covenants with the said corporation, that if at any time any judge of the County Court of the county of York, upon a summary application to him by the said corporation, of which two days' notice in writing shall be given to the company, shall adjudge and report to the council of the said corporation that there has been a substantial breach of the said covenant, promise and agreement which could reasonably have been avoided, then the council of the said corporation, within three months after the receipt of the said report (or after the final decision of the said question in the event of an appeal), but not afterwards, may pass a resolution annulling any right acquired by the said company under and by virtue of the said vote or of this agreement to run street cars on Sunday, and upon the passing of such resolution, any such right which may be so acquired by the said company shall by virtue thereof cease and determine. Provided, however, that in lieu of passing such resolution to annul the rights of the company to run Sunday cars, the said council may, for each and every such breach, impose upon the said company a penalty of $500, or such lesser sum (not less than $100) as the said council may deem reasonable.

(3) And the company, for itself, its successors and assigns, doth covenant promise and agree with the corporation that it will not after the passing of such resolution attempt to exercise any right to run street cars on Sunday which may be acquired by virtue of the said vote, or of this agreement, and the running of street cars on Sunday by virtue of such authority may, after the passing of such resolution, be restrained by the order and injunction of any court of competent jurisdiction, or in the event of the said council imposing a penalty as hereinbefore is provided, the company will pay the amount thereof within seven days after being notified of the action of the council, and if not paid, the said corporation may recover the same with costs of action in any court having jurisdiction to the amount of said penalty.

(4) Upon the hearing of such application, the said County Court Judge may summon witnesses, take evidence upon oath, order production of books and papers, and exercise all the other powers mentioned in clause forty-three of the conditions of sale forming part of the existing agreement between the company and the corporation and also the powers of an arbitrator under the Acts respecting arbitrations and references, and he shall report to the council the evidence and his decision thereon and the grounds thereof, and either the corporation or the company may, within one month after the date of said report, appeal from the decision of the said judge to the Court of Appeal for Ontario, and the decision of the Court of Appeal shall be final, and the said parties hereto consent to the said County Court Judge and the said Court of Appeal having jurisdiction to hear, try and determine the matters hereinbefore agreed to be submitted to them respectively.

(5) Provided always and it is hereby declared and agreed by and between the said parties that these presents are predicated upon the vote of a majority of the citizens being in favor of a Sunday car service, and of a Sunday car service being established in pursuance thereof, and that in the event of any right which may be acquired by the company under and by virtue of the said vote being annulled by resolution of the council, as hereinbefore mentioned, the original position and rights of the citizens and of the company and the corporation under the said existing agreement and under the Act of Incorporation of the company and subsequent legislation in relation to the question of a Sunday car service shall be restored and shall not be effected or prejudiced by reason of the premises.

13. Any ticket issued by the company under the said agreement of the 1st of September, 1891, except the ones sold at the rate of eight for twenty-five cents, may be used and shall be good at any time on Sunday, but a special ticket shall be issued and sold by all conductors and at the offices of the company on Sunday, at the rate of seven of them for twenty-five cents, and such tickets may be used upon all cars running upon Sundays, and also upon other days within the hours or times on which the class of tickets sold at the rate of eight for twenty-five cents may be used.

14. In the event of a majority of the citizens voting in favor of a Sunday car service, and the by-law embodying this agreement having passed the council of the said corporation, the said company covenants, promises and agrees to and with the said corporation that the said company will upon each and every Sunday thereafter while this agreement remains in force provide a service of cars upon each line of railway operated, or that may hereafter be operated, by the said company in the city of Toronto, during the hours and upon the terms and conditions set out in the said agreement of the 1st September, 1891, except as varied by this agreement; and that the said agreement of 1891, with the amendments or alterations provided by this agreement, shall apply to the operations of cars upon Sundays.

15. This agreement is provisional, and shall not have any force or effect until the by-law embodying the provisions thereof has been assented to by a vote of the citizens taken thereon, as provided for in the Act passed by the Legislature of the Province of Ontario in the 57th year of Her Majesty's reign, and chaptered 93.

16. In the event of any court of competent jurisdiction in the Province of Ontario holding that the said corporation had not power to enter into this agreement, or to authorize the running of cars upon Sunday, or should any cause or causes arise beyond the jurisdiction of this council which may prevent the running of street cars on Sundays, then and in any or either of such events the said company shall not have any claim, and the said company agrees that it will not make any claim against the said corporation for entering into this agreement, or for the privilege thereby granted being put an end to by such decision or cause.

17. In the event of a by-law being passed as herein provided, the parties hereto agree to apply to the next session of the Legislature of the Province of Ontario to validate and confirm this agreement, and to authorize the said corporation to impose a penalty as herein provided for, and to collect the same by action if not paid by the said company, and to provide that any penalty imposed by or under the provisions of this agreement, shall not be relieved against by any court or judge; also, to confer upon the County Court Judge, and Court of Appeal respectively, jurisdiction to hear and determine the matters herein provided to be determined by them, and each party will assist in obtaining such legislation.

No. 38.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the City of Toronto.

First Reading, 1897.

(*Reprinted as amended by Private Bills Committee.*)

Mr. MARTER.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 39.] **BILL.** [1897.

An Act to incorporate the St. Luke's General Hospital, Ottawa.

WHEREAS Hannet Hill, Sir James A. Grant, Clarence R. Church, Alexander A. Henderson, Peter A. McDougall, Henry P. Wright, Alfred J. Horsey, Amos F. Rogers, William C. Cousens, Henry B. Small, Robert W. Powell, John F. Kidd, James A. Grant, junior, Leander C. Prevost, Edward C. Malloch, Doctors of Medicine; John R. Booth, William Mackey, Gordon B. Pattee, Thomas Birkett, Michael P. Davis, Robert Cassels, Robert Gill, John Mather, George P. Brophy and Frederick W. Avery, Esquires, all of the City of Ottawa, have by their petition represented that there is not at present in or near the City of Ottawa a general public hospital for the care and treatment of the sick and injured in the government and management of which institution all classes of people, irrespective of their religious creed and denomination, can take part or be represented, and that such an institution would supply a public want in that part of the country and would receive financial assistance from, amongst others, municipalities and persons who have been unable or unwilling to contribute to the support of a hospital under the exclusive control and management of persons professing any particular religious creed, and that for other reasons the establishment and maintenance of the hospital hereby sought to be incorporated is desirable in the public interest; and whereas the said petitioners have also by their petition represented that in order to incorporate such hospital with the necessary powers and privileges for its establishment upon a permanent basis and to provide for its effective management it is necessary to obtain a special Act of the Legislature, and have prayed for the passing of such an Act constituting the said petitioners and other persons hereinafter mentioned, a body corporate and politic under the name aforesaid; and whereas it is expedient to grant the prayer of the said petition; Preamble

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Incorporation.

1. The said Hamnet Hill, Sir James A. Grant, Clarence R. Church, Alexander A. Henderson, Peter A. McDougall, Henry P. Wright, Alfred J. Horsey, Amos F. Rogers, William C. Cousens, Henry B. Small, Robert W. Powell, John F. Kidd, James A. Grant, junior, Leander C. Prevost, Edward C Malloch, Doctors of Medicine ; John R. Booth, William Mackey, Gordon B. Pattee, Thomas Birkett, Michael P. Davis, Robert Cassels, Robert Gill, John Mather, George P. Brophy and Frederick W. Avery, Esquires, all of the City of Ottawa, together with such persons as from time to time hereafter, under the provisions of this Act, become life or annual governors of the St. Luke's General Hospital, are hereby constituted a body corporate and politic under the name of "The St. Luke's General Hospital," hereinafter called "The Corporation," and by that name shall have perpetual succession and a common seal, and may, under that name, sue and be sued, and shall have all the powers and privileges hereinafter mentioned and also all the other powers, privileges and immunities vested by law in corporations necessary or proper for the carrying out of the objects of incorporation.

Provisional governors.

2. The said Hamnet Hill, Sir James A. Grant, Clarence R. R. Church, Alexander A. Henderson, Peter A. McDougall, Henry P. Wright, Alfred J Horsey, Amos F. Rogers, Wm. C. Cousens, Henry B. Small, Robert W. Powell, John F. Kidd, James A. Grant, junior, Leander C. Prevost, Edward C. Malloch, Doctors of Medicine ; John R. Booth, William Mackey, Gordon B. Pattee, Thomas Birkett, Michael P. Davis, Robert Cassels, Robert Gill, John Mather, George P. Brophy and Frederick W. Avery, Esquires, all of the City of Ottawa, shall be the provisional governors of the corporation, and nine of them shall form a quorum ; and the provisional governors shall have the powers and perform the duties hereinafter assigned to them, and they shall hold office until the "Board of Governors" provided for in this Act shall have been duly organized hereunder.

Head office.

3. The head office of the corporation shall be at the City of Ottawa.

Powers of corporation.

4. The corporation may establish and maintain in the city of Ottawa a public general hospital to be called "The St. Luke's General Hospital," for the treatment and care of sick and injured persons, and for that purpose may acquire by purchase or otherwise and may hold and again dispose of any such property, real or personal, as may be necessary or desir-

able for the purposes of the corporation and may erect, furnish and equip such buildings as are considered necessary for its purposes.

Hospital and board to be non-sectarian.

5. No one shall ever, at any time, on account only of his nationality or of the religious creed or sect to which he belongs be disqualified from being a governor of or from taking part or having a voice in or a vote as to the government or management of said corporation, or of the said hospital, or from being a member of the medical board hereinafter mentioned, or otherwise an officer or employee of or connected professionally or otherwise with the said corporation or the said hospital, or from being admitted as a patient into or from being treated in said hospital.

Management of corporation.

6. The affairs of the corporation shall, subject to the provisions hereinafter contained as to the powers, authority and duties of the provisional governors and of the medical board, be managed and controlled by a board to be called the board of governors, which shall consist of life governors, who shall hold office as such for the term of their natural lives, and annual governors, who shall hold office for one year only, qualified and constituted, appointed or elected as hereinafter provided.

"Founder of the Hospital."

7.—(1) Every person who in his lifetime gives to the corporation for the purposes of the hospital a sum of not less than ten thousand dollars shall, upon the receipt of such money by the corporation, be called, and known as, a "Founder of the Hospital" and shall thereby become a "Life Governor" and he shall also have the right of appointing either by his last will and testament or by other instrument in writing a person to succeed him after his decease as a life governor representing such founder in virtue of his said donation or in like manner to appoint a succession of persons in perpetuity to act as life governor after the decease of said life founder, one after the other, as representing such founder in virtue of his said donation, and every person so appointed under this sub-section to act as such life governor in succession to such founder shall, as such representative, be a life governor from the time said appointment takes effect, but there shall never at any one time be more than one life governor representing said founder in virtue of such donation.

(2) Every person who bequeaths by his will or who by other instrument in writing provides for the payment over to the corporation for the purposes of the hospital after his decease a sum of not less than ten thousand dollars shall, upon the receipt of such money by the corporation, be called and known as a "Founder of the Hospital" and he shall have the right of appointing either by his will or other instrument in writing a person to be a life governor representing him after

his decease in virtue of his said donation or bequest or may in like manner appoint a succession of persons in perpetuity to act as life governors, one after the other, as representing such founder after his decease in virtue of his said donation and every person so appointed to act as life governor under the provisions of this sub-section shall, as such representative, be a life governor from the time his said appointment takes effect, but there shall never at any one time be more than one life governor representing said founder in virtue of the said donation or bequest.

(3) There shall be erected by the board of governors in the main hall of the hospital building a suitable tablet for each "Founder of the Hospital" on which shall be inscribed his name and the date on which the sum so given, donated or bequeathed by him was received by the corporation and the board of governors may also further commemorate the munificence of each founder in such manner as they may deem best and they shall cause to be published in every printed edition of the by-laws and of the annual reports of the corporation and of the hospital a list of the names of all the founders of the hospital and the amount of money given or bequeathed by each of them to the corporation with the date on which the same were received by the corporation and with also a short biographical sketch of each such founder.

"Life Governors."

8. Every one who personally and on his own behalf contributes and pays to the corporation for the purposes of the hospital a sum of money not less than $1,000 either in one amount or in successive amounts shall, from the time when said one thousand dollars shall have been received by the corporation, be a life governor and the board of governors shall cause to be published in every printed edition of the by-laws and of the annual reports of the corporation and of the hospital a list of the names of all the persons who are or have been life governors and the amount of money given by each of them with the dates on which the same were received by the corporation and also the names of such other persons who have each bequeated and from whose representatives the sum of one thousand dollars or over that amount has been received by the corporation.

When member of medical board to become life governor.

9. Every member of the medical board hereinafter constituted shall, after ten years service as a member of said board and provided recommendation to that effect in writing is made by the medical board to the board of governors, be deemed to have given to the corporation services for the purposes of the hospital equal in value to the sum of $1,000 and he shall upon such recommendation having been so made and duly communicated in writing to the board of governors by the medical board thereby become and be a life governor.

10. Every city, town, county or other municipality, incorporated company, fraternal or benevolent society, which gives at any one time to the corporation for the purposes of the hospital a sum of money not less than five hundred dollars shall have the right, by resolution of the council of any such municipality or of the company or society, as the case may be, so giving such money, of nominating a member or director, as the case may be, of such council, company or society, as the case may be, to be an annual governor for one year commencing next immediately upon the receipt by the corporation of such money and of a copy of such resolution, and such person shall thereupon become an annual governor for said year only, but he shall be eligible in like manner to be and shall become an annual governor for another year upon the payment by such municipality, company or society of another like sum of not less than five hundred dollars to the corporation for the purposes of the hospital as aforesaid and upon a copy of the nominating resolution being communicated as aforesaid, and so on from year to year as each additional sum of not less than five hundred dollars and a copy of the nominating resolution are received as aforesaid by the corporation.

Municipalities and societies contributing $500 to be annual governors.

11. Every one who personally and on his own behalf contributes and pays to the corporation for the purposes of the hospital a sum of at least one hundred dollars, but less than one thousand dollars, shall be an annual governor for the year commencing immediately upon the receipt of such money by the corporation, and for each additional one hundred dollars which such person so donates to the corporation he shall be an annual governor for another year and said sums shall be credited to him in the books of the corporation until he has so contributed and paid to the corporation in all one thousand dollars, whereupon he shall become and be a "life governor."

Person contributing on his own behalf $100 to be annual governor.

12. The provisional governors shall, until the board of governors is duly organized under this Act, do all such acts, take all such steps and make all such provisional by-laws, rules and regulations for the carrying out of the objects of this Act and the carrying on of the business of the corporation as they may consider advisable, and until the board of governors is duly organized as aforesaid they shall, in that behalf, have all the powers conferred by this Act upon the board of governors.

Powers of provisional governors.

13. Immediately upon the passing of this Act there shall be held in the City of Ottawa a meeting of the provisional board of governors, to be called by any two of them by at least five days' previous notice in writing, mailed to each of such other provisional governors at his usual place of address, stating the day, place and hour of such meeting, for the purpose of organization, and at such meeting they shall elect from amongst themselves the following provisional officers, viz.:

First meeting of board of governors.

a president, vice-president, treasurer and secretary, and they may also employ or appoint such other officers or persons as they may deem expedient.

First meeting of subscribers.

14. So soon after the passing of this Act as thirty persons shall each have paid to the provisional treasurer of the corporation for the purposes of the hospital a sum of at least ten dollars, but less than one hundred dollars each, hereinafter called subscribers, the secretary of the provisional board shall call a meeting at the City of Ottawa of such subscribers in the same manner and after the same notice as hereinbefore provided for the calling of the first meeting of provisional governors, and at such meeting, at which nine shall form a quorum, there shall be elected by and from amongst such subscribers, four persons as annual governors, who shall, however, notwithstanding anything in the sixth section hereof, hold office only until the first annual meeting of the corporation, but the said persons shall, if otherwise qualified under this clause, be eligible for re-election at said annual meeting, and at each annual meeting of the corporation there shall be elected a like number of persons by and from amongst subscribers who have each paid during the then next previous year to the corporation, for the purposes of the hospital, a sum of at least ten dollars, but less than one hundred dollars each, four annual governors who shall hold office until the next annual meeting of the corporation, but the same persons shall be eligible for re-election at said, next, and any subsequent annual meeting, if otherwise qualified under this clause.

First meeting of medical board.

15. The secretary of the provisional board shall also call a meeting at the City of Ottawa of the members of the medical board, hereinafter constituted for the same day and in the same manner and after the same notice as hereinbefore in the next preceding section provided, for the calling of the first meeting of the subscribers, and at such meeting there shall be elected by and from amongst the members of said medical board four persons as annual governors, who shall, however, notwithstanding anything contained in the sixth section hereof, hold office as such only until the first annual meeting of the medical board as then constituted, but the same persons shall be eligible for re-election at said annual meeting, if then members of the medical board, and at each annual meeting of the medical board there shall be elected a like number of persons by and from amongst the members of the medical board, as then constituted, as annual governors who shall hold office until the next annual meeting of said board, but the same persons shall be eligible for re-election at the said, next, and any subsequent annual meeting of the said board if then members of the medical board.

First meeting of board of governors.

16. So soon after the passing of this Act as there are at least twelve life or annual governors or governors of both classes

duly constituted, elected or appointed as hereinbefore provided, the secretary of the provisional board of governors shall forthwith thereafter call a meeting at the City of Ottawa of such twelve or greater number of governors, in the same manner and after the same notice as hereinbefore provided for the calling of the first meeting of the provisional governors, for the purpose of organization of the board of governors, and at such meeting the board of governors, seven of whom shall form a quorum, shall elect from amongst themselves a president, vice-president, honorary secretary, and honorary treasurer of the corporation, and there shall also be elected an honorary solicitor of the corporation, who may or may not be a member of the said board, and thereafter the office and powers of the provisional board and their officers and of the provisional governors, shall cease.

Annual meeting of Corporation.

17. There shall be held in the City of Ottawa on the second Wednesday of May in each year after the board of governors has first been duly organized hereunder, or on such other date thereafter and at such place and hour as the board of governors may by by-law determine, a meeting of the life and annual governors, to be called the annual meeting of the corporation, at which also "Subscribers" entitled to vote (as hereinbefore provided) for four annual governors, shall have the right to be present , and at the first meeting of the board of governors held after such annual meeting, and after the annual meeting for the same year of the medical board, there shall be elected from amongst the governors a president, vice-president, honorary secretary and honorary treasurer, and there shall also be elected an honorary solicitor (who may or may not be a life or annual governor), hereinafter called the "Executive Officers."

Quorum.

(2) Unless otherwise provided by by-law of the corporation seven governors and seven of such subscribers shall form a quorum at any annual meeting of the corporation.

Subscribers to vote.

18.—At the first general meeting of subscribers and at every meeting at which subscribers shall have the right to vote, each subscriber shall have one vote only.

Life governors may vote by proxy.

19.—Every person who is a life governor in virtue of his being a founder of the hospital or of his having contributed and paid to the corporation as hereinbefore provided for the purposes of the hospital at least one thousand dollars may be represented and act and vote by proxy at any meeting of the board of governors or at any annual meeting of the corporation or other meeting at which such life governor has the right to attend and vote, but no such proxy shall be held by anyone who is not a member of the board of governors nor shall anyone hold more than one such proxy and no annual governor and no subscriber shall be entitled to be represented or to act or vote by proxy at any meeting.

Filling vacancies on board of governors.

20.—In the event of any one or more of the annual governors elected by subscribers or by the medical board vacating his or their offices by death, resignation or other cause such vacancy or vacancies may be filled for the remainder of his or their term of office as the case may be by the election by the remaining governors of a successor or successors from amongst subscribers qualified to elect governors, or from amongst members of the medical board, as the case may be, in respect of whose representation on the board of governors such vacancy or vacancies occurred.

Appointment and removal of officers by board of governors.

21.—The board of governors may from time to time appoint and again remove such officers, servants or employees as they may deem necessary for the proper carrying out of the work of the hospital or of the other objects of the corporation, at such rate of salary, remuneration or wages, if any, and for such periods as they may deem advisable, but the medical board hereinbefore referred to shall alone have the right to nominate from time to time the persons who are to be the medical superintendent or other like officer of the hospital and such other medical officers as may be required and to prescribe their duties, and the board of governors shall appoint upon such nomination and not otherwise: Provided that if the medical board makes default at any time in making and notifying the board of governors of such nomination for a period of three months after notification by the board of governors so to nominate, the last mentioned board may appoint without any such nomination by the medical board.

(2) The medical superintendent and other medical officers shall only be removed from office as such on the recommendation to that effect of the medical board, or without recommendation by the board of governors only for cause upon a charge made by some member of the board of governors, and after a reasonable notice of such charge has been given to the officer in question and after he has been heard in answer thereto.

Meetings of board of governors.

22.—The board of governors shall hold such regular and special meetings from time to time as they consider necessary and may appoint one or more committees from amongst themselves for the performance of any prescribed duties in connection with the affairs of the corporation, may fill vacancies in any of the executive offices, may make by-laws, rules and regulations not inconsistent with this Act for the calling and holding of all meetings in this Act provided for except meetings of the medical board other than the annual meeting of such board, also for defining the duties and powers of officers of the corporation, for the government of the corporation, the management of its business and the carrying on of the hospital and other institutions under the control of the corporation, subject to the provisions in this Act mentioned as to

the powers and duties of the medical board in that respect, and may from time to time repeal or amend such by-laws, rules and regulations.

(2) At any meeting of the board of governors other than the annual meeting of the corporation, seven shall form a quorum unless and until the same is changed by by-law.

(3) The board of governors shall also from time to time pass such by-laws as may be necessary for the carrying out or enforcing of the rules and regulations made by the medical board as hereinafter provided.

Corporation may receive gifts, etc.

23. The corporation may obtain subscriptions and take all gifts, legacies and bequests of money or other personalty and may, in addition to such lands as may be required for the carrying out of the objects of this Act, take by gift, devise or bequest, lands, tenements, or hereditaments or interests therein, the annual value of which, together with all other lands, tenements or hereditaments, or any interest therein, theretofore acquired by like means and then held by the corporation, shall not exceed in the whole twenty thousand dollars, but such last mentioned lands, tenements or hereditaments or interest therein shall not be held for a longer period than seven years from the acquisition thereof, and within that period they shall be absolutely disposed of by the said corporation, and such lands, tenements or hereditaments or interest therein as have not within the said period been so disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns, and all moneys the proceeds of sales of any such lands or other property and all or any part of the moneys derived therefrom, or from any other source, may be invested from time to time in mortgage securities upon real estate, whether freehold or leasehold, in municipal debentures, or the debentures of any society or company or in any other kind of security in which under section 30 of chapter 110 of the Revised Statutes of the Province of Ontario, or under any Act in amendment thereof a trustee may invest trust money.

Corporation may convey lands.

24. The corporation may sell, convey, lease or otherwise dispose of from time to time any of its lands or other property acquired by it and invest the proceeds or revenue as aforesaid in any of the classes of security referred to in the next preceding section hereof or apply the same otherwise for the purposes of the corporation.

(2) The corporation may borrrow or raise money for the purposes of the corporation by mortgage upon its property or any part thereof or by the issue of bonds or debentures of the corporation payable at such times and for such amounts and at such rate of interest as may be considered advisable and may secure such bonds by deed of mortgage upon its property or any part thereof or otherwise, and the corporation may be-

come a party to promissory notes and bills of exchange for the purposes of the corporation for such amounts as may be considered necessary or advisable by the board of governors.

(3) Every such promissory note or bill made, drawn or endorsed by the president or vice-president as such officer and countersigned by the secretary as such officer shall, without the corporate seal, be binding upon the corporation, and every deed or other document to which the corporation is a party and to which the corporate seal of the corporation is attached and which is signed by the president or vice-president and countersigned by the secretary as such officers respectively, shall be binding on the corporation.

"Medical board."

"Attending staff."

"Consulting staff."

25. There shall, for the purposes of the hospital, be a board to be called and known as the "Medical Board," consisting of two branches, one to be called and known as the "Attending Staff" of not less than eight in number, and which may be increased by by-law of the board of governors, but only after recommendation in writing therefor of the medical board, and the other branch to be called and known as the "Consulting Staff" to be not less than three but which may be of any greater number as the medical board from time to time sees fit, and each member of such board shall be a registered medical practitioner of the Province of Ontario of at least five years standing when he is elected or appointed and such medical board shall have, subject to the provision hereinafter contained, the sole right of electing additional members, if any, of the attending staff and of the consulting staff provided for as aforesaid and of electing successors to any vacancies which may take place on the attending staff or on the consulting staff, and shall also have sole charge and control, subject to the provisions of this Act, of the medical and surgical affairs of the hospital in so far as the admission of patients into the hospital, their medical and surgical treatment there, and their discharge from the hospital are concerned.

Persons to constitute consulting staff.

Attending staff.

26. The following named persons, that is to say: Hamnet Hill, Sir James A. Grant, Alexander A. Henderson, Clarence R. Church and Edward C. Malloch, all of the City of Ottawa, doctors of medicine and their duly elected or appointed successors and any additional members, if any, to be hereafter elected or appointed to the consulting staff and their successors, shall constitute the consulting staff of the said board; and Henry P. Wright, Peter H. McDougall, Alfred J. Horsey, Amos F. Rogers, Henry B. Small, William C. Cousens, Robert W. Powell, John F. Kidd, James A. Grant, junior, and Leander C. Prevost, all of the City of Ottawa, doctors of medicine, and their duly elected or appointed successors and any additional members, if any, to be hereafter elected or appointed upon the attending staff and their successors shall constitute the attending staff of the medical board.

(2) The said named members of the medical board and their successors and any additional members, if any, that may be appointed as aforesaid and their successors, shall each hold their positions on said board until they vacate the same by death or resignation or by their absence from the hospital for one year without permission of the medical board (which shall of itself vacate such position) or by their removal from office as hereinafter provided or by the appointment of any member of the attending staff as a member of the consulting staff on his own application, and in the event of any such vacancy from any cause the medical board shall forthwith, at a meeting thereof regularly held, elect by open vote a successor to fill the vacancy thus created on either staff as the case may be, and as to any additional members to be added to either staff as aforesaid their election by the medical board shall be in the same manner.

(3) If any member of the medical board is guilty of unprofessional conduct as laid down in such code of ethics as may from year to year be adopted by the medical board, or is guilty of such infamous conduct as to destroy his usefulness as a member of such board or thereby to imperil the reputation and good name of the hospital, he may, on the recommendation to that effect, of the medical board, be dismissed from such office by the board of governors.

(4) In the event of any member of the medical board having been, in the opinion of the board of governors, guilty of any improper conduct as a member of the said medical board, or of his having done anything in their opinion calculated to injure the hospital, the board of governors may without any recommendation from the medical board dismiss such member of the medical board upon a charge in writing made by some member of the board of governors and after a reasonable notice in writing of such charge has been given to such member of the medical board and after he has been heard by the board of governors in answer thereto.

(5) In the event of the medical board not filling any one or more vacancies on either the attending staff or the consulting staff as the case may be, within three months after the same shall have occured, or not appointing any additional member or members of the attending staff as provided for by by-law within three months after said by-law has been passed, the board of governors may appoint one or more medical practitioner or practitioners qualified therefor according to this Act, to fill such vacancy or vacancies as the case may be.

(6) There shall be held after the board of governors is first duly organized once in each year on such date not later than than the day following the date of the annual meeting of the Corporation, upon such day in each year and upon such notice and called in such manner as shall be fixed by by-law of the

board of governors, a meeting of the said board to be called the "Annual Meeting" and the said board shall also hold such other meetings, regular or special, as they think proper.

(7) At the first meeting of the medical board provided for in clause fifteen hereof, there shall be elected by the said board by and from amongst the members of said board a chairman aud a secretary who shall hold office respectively until the annual meeting of said board, and at each annual meeting thereafter there shall in like manner be elected from amongst the members of the said board, a chairman and a secretary, who shall hold office as such until the next annual meeting.

(8) The medical board shall keep a record of their proceedings and shall make such rules and regulations and may from time to time change the same as may be necessary for the calling and holding of their meetings, except the annual meeting, for prescribing the duties of the consulting staff and attending staff of the medical superintendent or other like officer, and of the other medical officers, and as to the medical and surgical affairs of the Hospital and the carrying out of the other duties and functions of the medical board under this Act.

(9) The medical board shall adopt such rules and regulations and change the same from time to time as they may deem best for the purpose of regulating the nursing in the hospital, for assigning the duties and hours of service of the nurses and for suspension of any nurse who has been derelict in her duties or has been guilty of such cause of suspension as may be laid down in the said rules.

(10) The medical board may also make and change from time to time such rules and regulations for the admission of and may admit students of medicine into the wards of the hospital as the medical board may deem advisable and the said board may frame a tariff of fees to be payable by such students for the privilege of attending the wards of the hospital and such students' fees shall be collected and paid to the treasurer of the corporation for its uses.

"Associate Physicians and Surgeons."

27. The medical board may appoint from among the other duly qualified medical practitioners in the city of Ottawa from time one or more persons to be called and known as "Associate Physicians and Surgeons of the Hospital" for such periods as the medical board thinks proper, and may make rules and regulations and from time to time change the same as to such appointments and such associate physicians and surgeons shall, by virtue of their office as such, have the right of attending their own private patients in the private wards of the hospital and of having access to the laboratories, library, operating room, instruments and appliances in the hospital according to such rules as from time to time may be passed for their guidance by the medical board.

Training school for nurses.

28. The corporation may establish and maintain in connection with the hospital a training school for nurses whereby nurses may receive a thorough training and be given a diploma upon completing the curriculum and passing the medical and nursing examinations required, and may also establish and maintain a home for nurses whereby nurses who have been properly trained may be supplied to private families in the city of Ottawa and elsewhere.

Infectious diseases hospital.

29. The corporation may establish and maintain, under such rules and regulations as may from time to time be passed for this purpose by the medical board, an infectious disease hospital at or near the city of Ottawa, and may enter into contract with the city of Ottawa and other municipalities to take charge of and isolate by means of such hospital all cases of infectious diseases arising in any of said municipalities.

No sectarian teaching.

30. The nursing in the hospital shall not be done by any sisterhood or community belonging to any church or religious organization and no visiting clergymen or nurse shall attempt to change or influence the religious belief of any patient in the hospital and if any nurse or clergyman shall be guilty of such an attempt he or she, as the case may be, shall be immediately thereupon expelled from the hospital and be prevented from entering the institution again.

Annual report

31. There shall be presented at each annual meeting of the corporation a report as to the financial position of the corporation and as to the affairs of the hospital and the work done by it during the previous year.

No. 39.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to incorporate the St. Luke's General Hospital, Ottawa.

First Reading, 1897.

(Private Bill.)

Mr. O'KEEFE.

TORONTO.
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Printer to the Queen's Most Excellent Majesty.

No. 39.] **BILL.** [1897.

An Act to incorporate the St. Luke's General Hospital, Ottawa.

Preamble. WHEREAS Hamnet Hill, Sir James A. Grant, Clarence R. Church, Alexander A. Henderson, Peter A. McDougall, Henry P. Wright, Alfred J. Horsey, Amos F. Rogers, William C. Cousens, Henry B. Small, Robert W. Powell, John F. Kidd, James A. Grant, junior, Leander C. Prevost, Edward C. Malloch, Doctors of Medicine; John R. Booth, William Mackey, Gordon B. Pattee, Thomas Birkett, Michael P. Davis, Robert Cassels, Robert Gill, John Mather, George P. Brophy and Frederick W. Avery, Esquires, all of the City of Ottawa, have by their petition represented that there is not at present in or near the City of Ottawa a general public hospital for the care and treatment of the sick and injured in the government and management of which institution all classes of people, irrespective of their religious creed and denomination, can take part or be represented, and that such an institution would supply a public want in that part of the country and would receive financial assistance from, amongst others, municipalities and persons who have been unable or unwilling to contribute to the support of a hospital under the exclusive control and management of persons professing any particular religious creed, and that for other reasons the establishment and maintenance of the hospital hereby sought to be incorporated is desirable in the public interest; and whereas the said petitioners have also by their petition represented that in order to incorporate such hospital with the necessary powers and privileges for its establishment upon a permanent basis and to provide for its effective management it is necessary to obtain a special Act of the Legislature; and whereas the said persons have by their petition prayed for the passing of such an Act constituting the said petitioners and other persons hereinafter mentioned, a body corporate and politic under the name aforesaid; and whereas no opposition whatever has been offered to the granting of the

prayer of the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said Hannet Hill, Sir James A. Grant, Clarence R. Church, Alexander A. Henderson, Peter A. McDougall, Henry P. Wright, Alfred J. Horsey, Amos F. Rogers, William C. Cousens, Henry B. Small, Robert W. Powell, John F. Kidd, James A. Grant, junior, Leander C. Prevost, Edward C Malloch, Doctors of Medicine; John R. Booth, William Mackey, Gordon B. Pattee, Thomas Birkett, Michael P. Davis, Robert Cassels, Robert Gill, John Mather, George P. Brophy and Frederick W. Avery, Esquires, all of the City of Ottawa, together with such persons as from time to time hereafter, under the provisions of this Act, become life or annual governors of the St. Luke's General Hospital, are hereby constituted a body corporate and politic under the name of "The St. Luke's General Hospital," hereinafter called "The Corporation," and by that name shall have perpetual succession and a common seal, and may, under that name, sue and be sued, and shall have all the powers and privileges hereinafter mentioned and also all the other powers, privileges and immunities vested by law in corporations necessary or proper for the carrying out of the objects of incorporation.

Provisional governors.

2. The said Hannet Hill, Sir James A. Grant, Clarence R, Church, Alexander A. Henderson, Peter A. McDougall, Henry P. Wright, Alfred J. Horsey, Amos F. Rogers, Wm. C. Cousens, Henry B. Small, Robert W. Powell, John F. Kidd, James A. Grant, junior, Leander C. Prevost, Edward C. Malloch, Doctors of Medicine; John R. Booth, William Mackey, Gordon B. Pattee, Thomas Birkett, Michael P. Davis, Robert Cassels, Robert Gill, John Mather, George P. Brophy and Frederick W. Avery, Esquires, all of the City of Ottawa, shall be the provisional governors of the corporation, and nine of them shall form a quorum; and the provisional governors shall have the powers and perform the duties hereinafter assigned to them, and they shall hold office until the "Board of Governors" provided for in this Act shall have been duly organized hereunder.

Head office.

3. The head office of the corporation shall be at the City of Ottawa.

Powers of corporation.

4. The corporation may establish and maintain in the city of Ottawa a public general hospital to be called "The St. Luke's General Hospital," for the treatment and care of sick and injured persons, and for that purpose may acquire by purchase or otherwise and may hold and again dispose of any

such property, real or personal, as may be necessary or desirable for the purposes of the corporation and may erect, furnish and equip such buildings as are considered necessary for its purposes.

Hospital and board to be non-sectarian.

5. No one shall ever, at any time, on account only of his nationality or of the religious creed or sect to which he belongs be disqualified from being a governor of or from taking part or having a voice in or a vote as to the government or management of said corporation, or of the said hospital, or from being a member of the medical board hereinafter mentioned, or otherwise an officer or employee of or connected professionally or otherwise with the said corporation or the said hospital, or from being admitted as a patient into or from being treated in said hospital.

Management of corporation.

6. The affairs of the corporation shall, subject to the provisions hereinafter contained as to the powers, authority and duties of the provisional governors and of the medical board, be managed and controlled by a board to be called the board of governors, which shall consist of life governors, who shall hold office as such for the term of their natural lives, and annual governors, who shall hold office for one year only, qualified and constituted, appointed or elected as hereinafter provided.

"Founder of the Hospital."

7.—(1) Every person who in his lifetime gives to the corporation for the purposes of the hospital a sum of not less than ten thousand dollars shall, upon the receipt of such money by the corporation, be called, and known as, a "Founder of the Hospital" and shall thereby become a "Life Governor" and he shall also have the right of appointing either by his last will and testament or by other instrument in writing a person to succeed him after his decease as a life governor representing such founder in virtue of his said donation or in like manner to appoint a succession of persons in perpetuity to act as life governor after the decease of said life founder, one after the other, as representing such founder in virtue of his said donation, and every person so appointed under this sub-section to act as such life governor in succession to such founder shall, as such representative, be a life governor from the time said appointment takes effect, but there shall never at any one time be more than one life governor representing said founder in virtue of such donation.

(2) Every person who *for the purposes of the said Hospital* bequeaths by his will, or who by other instrument in writing provides for the payment over after his decease *of* a sum of not less than ten thousand dollars *to the said corporation* shall, upon the receipt of such money by the corporation, be called and known as a "Founder of the Hospital" and he shall have the right of appointing either by his will or other

instrument in writing a person to be a life governor representing him after his decease in virtue of his said donation or bequest or may in like manner appoint a succession of persons in perpetuity to act as life governors, one after the other, as representing such founder after his decease in virtue of his said donation and every person so appointed to act as life governor under the provisions of this sub-section shall, as such representative, be a life governor from the time his said appointment takes effect, but there shall never at any one time be more than one life governor representing said founder in virtue of the said donation or bequest.

(3) There shall be erected by the board of governors in the main hall of the hospital building a suitable tablet for each "Founder of the Hospital" on which shall be inscribed his name and the date on which the sum so given, donated or bequeathed by him was received by the corporation and the board of governors may also further commemorate the munificence of each *such* founder in such manner as they may deem best and they shall cause to be published in every printed edition of the by-laws and of the annual reports of the corporation and of the hospital a list of the names of all the founders of the hospital and the amount of money given or bequeathed by each of them to the corporation with the date *or dates* on which the same were received by the corporation and with also a short biographical sketch of each such founder.

"Life Governors."

8. Every one who personally and on his own behalf contributes and pays to the corporation for the purposes of the hospital a sum of money not less than $1,000 either in one amount or in successive amounts shall, from the time when said one thousand dollars shall have been received by the corporation, be a life governor and the board of governors shall cause to be published in every printed edition of the by-laws and of the annual reports of the corporation and of the hospital a list of the names of all the persons who are or have been life governors and the amount of money given by each of them with the dates on which the same were received by the corporation and also the names of such other persons who have each bequeated and from whose representatives the sum of one thousand dollars or over that amount has been received by the corporation.

When member of medical board to become life governor.

9. Every member of the medical board hereinafter constituted shall, after ten years service as a member of said board and provided recommendation to that effect in writing is made by the medical board to the board of governors, be deemed to have given to the corporation services for the purposes of the hospital equal in value to the sum of $1,000 and he shall upon such recommendation having been so made and duly communicated in writing to the board of governors by the medical board thereby become and be a life governor.

Municipalities and societies contributing $500 to be annual governors.

10. Every city, town, county or other municipality, incorporated company, fraternal or benevolent society, which gives at any one time to the corporation for the purposes of the hospital a sum of money not less than five hundred dollars shall have the right, by resolution of the council of any such municipality or of the company or society, as the case may be, so giving such money, of nominating a member or director, as the case may be of such council, company or society, as the case may be, to be an annual governor for one year commencing next immediately upon the receipt by the corporation of such money and of a copy of such resolution, and such person shall thereupon become an annual governor for said year only, but he shall be eligible in like manner to be and shall become an annual governor for another year upon the payment by such municipality, company or society of another like sum of not less than five hundred dollars to the corporation for the purposes of the hospital as aforesaid and upon a copy of the nominating resolution being communicated as aforesaid, and so on from year to year as each additional sum of not less than five hundred dollars and a copy of the nominating resolution are received as aforesaid by the corporation.

Person contributing on his own behalf $100 to be annual governor.

11. Every one who personally and on his own behalf contributes and pays to the corporation for the purposes of the hospital a sum of at least one hundred dollars, but less than one thousand dollars, shall be an annual governor for the year commencing immediately upon the receipt of such money by the corporation, and for each additional one hundred dollars which such person so donates to the corporation he shall be an annual governor for another year and said sums shall be credited to him in the books of the corporation until he has so contributed and paid to the corporation in all one thousand dollars, whereupon he shall become and be a "life governor."

Powers of provisional governors.

12. The provisional governors shall, until the board of governors is duly organized under this Act, do all such acts, take all such steps and make all such provisional by-laws, rules and regulations for the carrying out of the objects of this Act and the carrying on of the business of the corporation as they may consider advisable, and until the board of governors is duly organized as aforesaid they shall, in that behalf, have all the powers conferred by this Act upon the board of governors.

First meeting of board of governors.

13. Immediately upon the passing of this Act there shall be held in the City of Ottawa a meeting of the provisional board of governors, to be called by any two of them by at least five days' previous notice in writing, mailed to each of such other provisional governors at his usual place of address, stating the day, place and hour of such meeting, for the purpose of organization, and at such meeting they shall elect from amongst themselves the following provisional officers, viz.:

a president, vice-president, treasurer and secretary, and they may also employ or appoint such other officers or persons as they may deem expedient.

First meeting of subscribers.

14. So soon after the passing of this Act as thirty persons shall each have paid to the provisional treasurer of the corporation for the purposes of the hospital a sum of at least ten dollars, but less than one hundred dollars each, hereinafter called subscribers, the secretary of the provisional board shall call a meeting at the City of Ottawa of such subscribers in the same manner and after the same notice as hereinbefore provided for the calling of the first meeting of provisional governors, and at such meeting, at which nine shall form a quorum, there shall be elected by and from amongst such subscribers, four persons as annual governors, who shall, however, notwithstanding anything in the sixth section hereof, hold office only until the first annual meeting of the corporation, but the said persons shall, if otherwise qualified under this clause, be eligible for re-election at said annual meeting, and at each annual meeting of the corporation there shall be elected a like number of persons by and from amongst subscribers who have each paid during the then next previous year to the corporation, for the purposes of the hospital, a sum of at least ten dollars, but less than one hundred dollars each, four annual governors who shall hold office until the *then* next annual meeting of the corporation, but the same persons shall be eligible for re-election at said, next, and any subsequent annual meeting, if otherwise qualified under this clause.

First meeting of medical board.

15. The secretary of the provisional board shall also call a meeting at the City of Ottawa of the members of the medical board, hereinafter constituted for the same day and in the same manner and after the same notice as hereinbefore in the next preceding section provided, for the calling of the first meeting of the subscribers, and at such meeting there shall be elected by and from amongst the members of said medical board four persons as annual governors, who shall, however, notwithstanding anything contained in the sixth section hereof, hold office as such only until the first annual meeting of the medical board as then constituted, but the same persons shall be eligible for re-election at said annual meeting, if then members of the medical board, and at each annual meeting of the medical board there shall be elected a like number of persons by and from amongst the members of the medical board, as then constituted, as annual governors who shall hold office until the *then* next annual meeting of said board, but the same persons shall be eligible for re-election at the said, next, and any subsequent annual meeting of the said board if then members of the medical board.

First meeting of board of governors.

16. So soon after the passing of this Act as there are at least twelve life or annual governors or governors of both classes

duly constituted, elected or appointed as hereinbefore provided, the secretary of the provisional board of governors shall forthwith thereafter call a meeting at the City of Ottawa of such twelve or greater number of governors, in the same manner and after the same notice as hereinbefore provided for the calling of the first meeting of the provisional governors, for the purpose of organization of the board of governors, and at such meeting the board of governors, seven of whom shall form a quorum, shall elect from amongst themselves a president, vice-president, honorary secretary, and honorary treasurer of the corporation, and there shall also be elected an honorary solicitor of the corporation, who may or may not be a member of the said board, and thereafter the office and powers of the provisional board and their officers and of the provisional governors, shall cease.

Annual meeting of Corporation.

17. There shall be held in the City of Ottawa on the second Wednesday of May in each year after the board of governors has first been duly organized hereunder, or on such other date thereafter and at such place and hour as the board of governors may by by-law determine, a meeting of the life and annual governors, to be called the annual meeting of the corporation, at which also "Subscribers" entitled to vote (as hereinbefore provided) for four annual governors, shall have the right to be present , and at the first meeting of the board of governors held after such annual meeting, and after the annual meeting for the same year of the medical board, there shall be elected from amongst the governors a president, vice-president, honorary secretary and honorary treasurer, *to be called the executive officers*, and there shall also be elected an honorary solicitor (who may or may not be a life or annual governor).

Quorum.

(2) Unless otherwise provided by by-law of the corporation seven governors and seven of such subscribers shall form a quorum at any annual meeting of the corporation.

(3) Special meetings of the Corporation with the right to "subscribers" to attend or of "subscribers" alone, may be called and held from time to time as provided by by-law, and the quorum at any such meeting shall be as provided by by-law.

Subscribers to vote.

18.—At the first general meeting of subscribers and at every meeting at which subscribers shall have the right to vote, each subscriber shall have one vote only.

Life governors may vote by proxy.

19.—Every person who is a life governor in virtue of his being a founder of the hospital or of his having contributed and paid to the corporation as hereinbefore provided for the purposes of the hospital at least one thousand dollars may be represented and act and vote by proxy at any meeting of the board of governors or at any annual meeting of the corporation or other meeting at which such life governor has the right

to attend and vote, but no such proxy shall be held by anyone who is not a member of the board of governors nor shall anyone hold more than one such proxy and no annual governor and no subscriber shall be entitled to be represented or to act or vote by proxy at any meeting.

Filling vacancies on board of governors.

20.—In the event of any one or more of the annual governors elected by subscribers or by the medical board vacating his or their offices by death, resignation or other cause such vacancy or vacancies may be filled for the remainder of his or their term of office as the case may be by the election by the remaining governors of a successor or successors from amongst subscribers qualified to elect governors, or from amongst members of the medical board, as the case may be, in respect of whose representation on the board of governors such vacancy or vacancies occurred.

Appointment and removal of officers by board of governors.

21.—The board of governors may from time to time appoint and again remove such officers, servants or employees as they may deem necessary for the proper carrying out of the work of the hospital or of the other objects of the corporation, at such rate of salary, remuneration or wages, if any, and for such periods as they may deem advisable, but the medical board hereinbefore referred to shall alone have the right to nominate from time to time the persons who are to be the medical superintendent or other like officer of the hospital and such other medical officers as may be required and to prescribe their duties, and the board of governors shall appoint upon such nomination and not otherwise; Provided that if the medical board makes default at any time in making and notifying the board of governors of such nomination for a period of three months after notification by the board of governors so to nominate, the last mentioned board may appoint without any such nomination by the medical board.

(2) The medical superintendent and other medical officers shall only be removed from office as such on the recommendation to that effect of the medical board, or without *such* recommendation by the board of governors only for cause upon a charge made by some member of the board of governors, and after a reasonable notice of such charge has been given to the officer in question and after he has been heard in answer thereto.

Meetings of board of governors.

22.—The board of governors shall hold such regular and special meetings from time to time as they consider necessary and may appoint one or more committees from amongst themselves for the performance of any prescribed duties in connection with the affairs of the corporation, may fill vacancies in any of the executive offices, may make by-laws, rules and regulations not inconsistent with this Act for the calling and holding of all meetings in this Act provided for except meet-

ings of the medical board other than the annual meeting of such board, also for defining the duties and powers of officers of the corporation, for the government of the corporation, the management of its business and the carrying on of the hospital and other institutions under the control of the corporation, subject to the provisions in this Act mentioned as to the powers and duties of the medical board in that respect, and may from time to time repeal or amend such by-laws, rules and regulations.

(2) At any meeting of the board of governors other than the annual meeting of the corporation, seven shall form a quorum unless and until the same is changed by by-law.

(3) The board of governors shall also from time to time pass such by-laws as may be necessary for the carrying out or enforcing of the rules and regulations made by the medical board as hereinafter provided.

Corporation may receive gifts, etc.

23. The corporation may obtain subscriptions and take all gifts, legacies and bequests of money or other personalty and may, in addition to such lands as may be required for the carrying out of the objects of this Act, take by gift, devise or bequest, lands, tenements, or hereditaments or interests therein, the annual value of which, together with all other lands, tenements or hereditaments, or any interest therein, theretofore acquired by like means and then held by the corporation, shall not exceed in the whole twenty thousand dollars, but such last mentioned lands, tenements or hereditaments or interest therein shall not be held for a longer period than seven years from the acquisition thereof, and within that period they shall be absolutely disposed of by the said corporation, and such lands, tenements or hereditaments or interest therein as have not within the said period been so disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns, and all moneys the proceeds of sales of any such lands or other property and all or any part of the moneys derived therefrom, or from any other source, may be invested from time to time in mortgage securities upon real estate, whether freehold or leasehold, in municipal debentures, or the debentures of any society or company or in any other kind of security in which under section 30 of chapter 110 of the Revised Statutes of the Province of Ontario, or under any Act in amendment thereof a trustee may invest trust money.

Corporation may convey lands.

24. The corporation may sell, convey, lease or otherwise dispose of from time to time any of its lands or other property acquired by it and invest the proceeds or revenue as aforesaid in any of the classes of security referred to in the next preceding section hereof or apply the same otherwise for the purposes of the corporation.

(2) The corporation may borrow or raise money for the purposes of the corporation by mortgage upon its property or

any part thereof or by the issue of bonds or debentures of the corporation payable at such times and for such amounts and at such rate of interest as may be considered advisable and may secure such bonds by deed of mortgage upon its property or any part thereof or otherwise, and the corporation may become a party to promissory notes and bills of exchange for the purposes of the corporation for such amounts as may be considered necessary or advisable by the board of governors.

(3) Every such promissory note or bill made, drawn or endorsed by the president or vice-president as such officer and countersigned by the secretary as such officer shall, without the corporate seal, be binding upon the corporation, and every deed or other document to which the corporation is a party and to which the corporate seal of the corporation is attached and which is signed by the president or vice-president and countersigned by the secretary as such officers respectively, shall be binding on the corporation.

"Medical board."

"Attending staff."

"Consulting staff."

25. There shall, for the purposes of the hospital, be a board to be called and known as the "Medical Board," consisting of two branches, one to be called and known as the "Attending Staff" of not less than eight in number, and which may be increased by by-law of the board of governors, but only after recommendation in writing therefor of the medical board, and the other branch to be called and known as the "Consulting Staff" to be not less than three but which may be of any greater number as the medical board from time to time sees fit, and each member of such board shall be a registered medical practitioner of the Province of Ontario of at least five years standing when he is elected or appointed and such medical board shall have, subject to the provision hereinafter contained, the sole right of electing additional members, if any, of the attending staff and of the consulting staff provided for as aforesaid and of electing successors to any vacancies which may take place on the attending staff or on the consulting staff, and shall also have sole charge and control, subject to the provisions of this Act, of the medical and surgical affairs of the hospital in so far as the admission of patients into the hospital, their medical and surgical treatment there, and their discharge from the hospital are concerned.

Persons to constitute consulting staff.

Attending staff.

26. The following named persons, that is to say: Hamnet Hill, Sir James A. Grant, Alexander A. Henderson, Clarence R. Church and Edward C. Malloch, all of the City of Ottawa, doctors of medicine and their duly elected or appointed successors and any additional members, if any, to be hereafter elected or appointed to the consulting staff and their successors, shall constitute the consulting staff of the said board; and Henry P. Wright, Peter H. McDougall, Alfred J. Horsey, Amos F. Rogers, Henry B. Small, William C. Cousens, Robert W. Powell, John F. Kidd, James A. Grant, junior, and Leander C. Prevost, all of the City of Ottawa, doctors of medicine, and

their duly elected or appointed successors and any additional members, if any, to be hereafter elected or appointed upon the attending staff and their successors shall constitute the attending staff of the medical board.

(2) The said named members of the medical board and their successors and any additional members, if any, that may be appointed as aforesaid and their successors, shall each hold their positions on said board until they vacate the same by death or resignation or by their absence from the hospital for one year without permission of the medical board (which shall of itself vacate such position) or by their removal from office as hereinafter provided or by the appointment of any member of the attending staff as a member of the consulting staff on his own application, and in the event of any such vacancy from any cause the medical board shall forthwith, at a meeting thereof regularly held, elect by open vote a successor to fill the vacancy thus created on either staff as the case may be, and as to any additional members to be added to either staff as aforesaid their election by the medical board shall be in the same manner.

(3) If any member of the medical board is guilty of unprofessional conduct as laid down in such code of ethics as may from year to year be adopted by the medical board, or is guilty of such infamous conduct as to destroy his usefulness as a member of such board or thereby to imperil the reputation and good name of the hospital, he may, on the recommendation to that effect, of the medical board, be dismissed from such office by the board of governors.

(4) In the event of any member of the medical board having been, in the opinion of the board of governors, guilty of any improper conduct as a member of the said medical board, or of his having done anything in their opinion calculated to injure the hospital, the board of governors may without any recommendation from the medical board dismiss such member of the medical board upon a charge in writing made by some member of the board of governors and after a reasonable notice in writing of such charge has been given to such member of the medical board and after he has been heard by the board of governors in answer thereto.

(5) In the event of the medical board not filling any one or more vacancies on either the attending staff or the consulting staff as the case may be, within three months after the same shall have occured, or not appointing any additional member or members of the attending staff as provided for by by-law within three months after said by-law has been passed, the board of governors may appoint one or more medical practitioner or practitioners qualified therefor according to this Act, to fill such vacancy or vacancies as the case may be.

(6) There shall be held once in each year on such date not

later than than the day following the date of the annual meeting of the Corporation, and upon such notice and called in such manner as shall be fixed by by-law of the board of governors, a meeting of the said *medical* board to be called the "Annual Meeting" and the said board shall also hold such other meetings, regular or special, as they think proper.

(7) At the first meeting of the medical board provided for in clause fifteen *of this Act*, there shall be elected by the said board by and from amongst the members of said board a chairman and a secretary who shall hold office respectively until the *first* annual meeting of said board, and at each annual meeting thereafter there shall in like manner be elected from amongst the members of the said board, a chairman and a secretary, who shall hold office as such until the next annual meeting.

(8) The medical board shall keep a record of their proceedings and shall make such rules and regulations and may from time to time change the same as may be necessary for the calling and holding of their meetings, except the annual meeting, for prescribing the duties of the consulting staff and attending staff of the medical superintendent or other like officer, and of the other medical officers, and as to the medical and surgical affairs of the Hospital and the carrying out of the other duties and functions of the medical board under this Act.

(9) The medical board shall adopt such rules and regulations and change the same from time to time as they may deem best for the purpose of regulating the nursing in the hospital, for assigning the duties and hours of service of the nurses and for suspension of any nurse who has been derelict in her duties or has been guilty of such cause of suspension as may be laid down in the said rules.

(10) The medical board may also make and change from time to time such rules and regulations for the admission of and may admit students of medicine into the wards of the hospital as the medical board may deem advisable and the said board may frame a tariff of fees to be payable by such students for the privilege of attending the wards of the hospital and such students' fees shall be collected and paid to the treasurer of the corporation for its uses.

(11) The Medical Board may adopt and change from time to time rules and regulations for the carrying on of an out-door department or departments of the Hospital in which may be treated such indigent poor as may be unable to secure medical or surgical treatment and medicine other than in a free dispensary or hospital.

"Associate Physicians and Surgeons."

27. The medical board may appoint from among the other duly qualified medical practitioners in the city of Ottawa from time *to time* one or more persons to be called and known as "Associate Physicians and Surgeons of the Hospital" for such periods

as the medical board thinks proper, and may make rules and regulations and from time to time change the same as to such appointments and such associate physicians and surgeons shall, by virtue of their office as such, have the right of attending their own private patients in the private wards of the hospital and of having access to the laboratories, library, operating room, instruments and appliances in the hospital according to such rules *and regulations* as from time to time may be passed for their guidance by the medical board.

Training school for nurses.

28. The corporation may establish and maintain in connection with the hospital a training school for nurses whereby nurses may receive a thorough training and be given a diploma upon completing the curriculum and passing the medical and nursing examinations required, and may also establish and maintain a home for nurses whereby nurses who have been properly trained may be supplied to private families in the city of Ottawa and elsewhere.

(2) The Corporation may also establish and maintain according to rules adopted by the Medical Board a Maternity Hospital for the purpose of taking care of maternity patients.

Infectious diseases hospital.

29. The corporation may establish and maintain, under such rules and regulations as may from time to time be passed for this purpose by the medical board, an infectious disease hospital at or near the city of Ottawa, and may enter into contract with the city of Ottawa and other municipalities to take charge of and isolate by means of such hospital all cases of infectious diseases arising in any of said municipalities.

No sectarian teaching.

30. The nursing in the hospital shall not be done by any sisterhood or community belonging to any church or religious organization and no visiting clergyman or nurse shall attempt to change or influence the religious belief of any patient in the hospital and if any nurse or clergyman shall be guilty of such an attempt he or she, as the case may be, shall be immediately thereupon expelled from the hospital and be prevented from entering the institution again.

Annual report

31. There shall be presented at each annual meeting of the corporation a report as to the financial position of the corporation and as to the affairs of the hospital and the work done by it during the previous year.

No. 39.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to incorporate the St. Luke's General Hospital, Ottawa.

First Reading, 4th March, 1897.

(Reprinted as amended by Private Bills Committee)

Mr. O'KEEFE.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 40.] **BILL.** [1897.

An Act to confirm By-law No. 156 of the Township of Springer.

Preamble.

WHEREAS the corporation of the Township of Springer in the District of Nipissing has submitted to the ratepayers of the said municipality a by-law for the purpose of consolidating the floating indebtedness of the said township, the said by-law having been carried by a majority of such ratepayers voting thereon, and finally passed by the council of the said corporation on the 11th day of January, 1897; and whereas said indebtedness has been incurred by the said municipality for the opening and construction of roads, and other purposes of the municipality; and whereas since the passing of the by-law doubts have arisen as to the authority of the council of the municipality to issue the debentures authorized under the said by-law; and whereas the corporation has prayed that an Act may be passed confirming and legalizing the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 156 confirmed.

1. The said by-law No. 156 of the municipal council of the corporation of the Township of Springer entitled a by-law to provide for raising by way of loan upon the security of debentures of the Township of Springer the sum of $3,000 for the purpose of consolidating the floating indebtedness of the said township is hereby confirmed and made legal and valid to all intents and purposes, and the debentures issued under the said by-law are hereby declared to be legal and valid, and to be binding upon the said corporation of the Township of Springer, and the ratepayers thereof.

SCHEDULE.

By-Law No. 156.

A by-law to provide for raising by way of loan upon the security of debentures of the Township of Springer the sum of $3,000.00 for the purpose of consolidating the floating indebtedness of the township.

Whereas it is necessary to raise the sum of three thousand dollars for the purpose of paying certain liabilities of the Township of Springer, and for consolidating the indebtedness thereof, and in order thereto it will be necessary to issue debentures of the municipality of the Township of Springer for the sum of three thousand dollars payable as herein provided in Schedule "A" to this by-law.

And whereas it will be requisite to raise the several sums in each year respectively, as set forth in the said Schedule "A."

And whereas the amount of the whole ratable property of the municipality according to the last revised assessment roll, being for the year 1896, amounts to $74,583.

And whereas the existing debenture debt of the said municipality is $3,000 of which no part of the principal or interest is in arrear.

Therefore the municipal council of the corporation of the Township of Springer enacts as follows :—

1. It shall be lawful for the reeve of the said Township of Springer for the purpose aforesaid to borrow the said sum of three thousand dollars, and to issue debentures of the said municipality to the amount of three thousand dollars, in sums of not less than one hundred dollars each payable in the manner, for the amounts, and at the times respectively set forth in the said Schedule "A" to this by-law.

2. The said debentures as to principal and interest shall be payable at the Traders' Bank of Canada, at the town of North Bay.

3. It shall be lawful for the reeve of the said municipality, and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same, and the interest coupons attached thereto to be signed by the treasurer of the said municipality.

And the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

4. There shall be raised and levied in each year by special rate on the ratable property in the said municipality, a sum sufficient to discharge the several instalments of principal and interest accruing due on the said debt, as the same become respectively payable according to the said Schedule "A" to this by-law.

5. This by-law shall take effect on the 15th day of January, A.D. 1897.

6. The votes of the ratepayers of the said municipality shall be taken on this by-law at the following times and places, that is to say :—On Monday the 4th day of January, 1897, next, at the hour of nine o'clock in the forenoon, and continuing until five o'clock in the afternoon of the same day, at John Armitage's house on Lot 4, Concession 2, Township of Springer, being polling place No. 1, Francois Lafrance, Returning Officer ; at the Town Hall, Cache Bay, in the Township of Springer, being polling place No. 2, M. Donavan, Returning Officer.

7. On the 28th day of December, 1896, the reeve shall attend at the council chamber in the Township of Springer at eleven o'clock in the forenoon, to appoint persons to attend at the various polling places, and at the

final summing up of the votes by the clerk respectively on behalf of the persons interested in, and promoting or opposing the passing of this by-law.

8. The clerk of the council of the said municipality shall attend at the council chamber in the said Township of Springer at ten o'clock in the forenoon of Thursday, the 7th day of January, 1897, and sum up the number of votes given for and against the said by-law.

Dated at the Township of Springer this 21st day of December, 1896.

Passed first and second reading 21st December, 1896.

Passed third reading January 11th, 1897.

A. J. YOUNG,
Reeve.

ONESIME LAFRANCE,
Clerk.

Certified a true copy,

ONESIME LAFRANCE,
Clerk.

SCHEDULE A.

Being the schedule referred to in the foregoing by-law, and incorporated therewith.

Amount of debentures authorized to be issued under this by-law, showing amounts payable for principal and interest with date of payment.

Date of payment, Jan. 1st.	Interest.	Principal.	Total annual amount.
1898	$150 04	$ 90 72	$240 72
1899	145 46	95 26	240 72
1900	140 70	100 02	240 72
1901	135 69	105 03	240 72
1902	130 44	110 28	240 72
1903	124 93	115 79	240 72
1904	119 14	121 58	240 72
1905	113 06	127 66	240 72
1906	106 68	134 04	240 72
19 7	99 96	140 75	240 72
1908	92 94	147 78	240 72
1909	85 55	155 17	240 72
1910	77 79	162 93	240 72
1911	69 64	171 08	240 72
1912	61 09	179 63	240 72
1913	52 11	188 61	240 72
1914	42 68	198 04	240 72
1915	32 77	207 95	240 72
1916	22 38	218 34	240 72
1917	11 37	229 35	240 72

No. 40.

3rd Session, 8th Legislature, 60 Vict, 1897.

BILL.

An Act to confirm By-law No. 156 of the Township of Springer.

First Reading, 1897.

(Private Bill.)

Mr. LOUGHRIN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Maje-ty.

No. 41.] **BILL.** [1897.

An Act respecting the Township of Scarboro'.

Preamble

WHEREAS the municipality of the County of York passed a by-law known as No. 712 of the said municipality under the provisions of subsection 7 of section 566 of *The Municipal Act*, which provided among other things, that that portion of the Kingston Road, lying within the limits of the township of Scarboro', should thereafter become the property, and be owned as a public highway by the municipal corporation of the township of Scarboro', and the county gravel pits, the old Highland Creek bridge, and stone and other road material then belonging to the corporation of the County of York in the said township of Scarboro', should thereafter become the property of, and be owned by the municipal corporation of the township of Scarboro; and whereas it was understood when the Lieutenant-Governor in Council assented to such by-law that any municipality dissatisfied with the same and coming within the operation of such by-law might appeal to the Legislative Assembly for such relief as might be adequate and just; and whereas the said by-law is unjust in its operation and the corporation of the township of Scarboro' has by its petition shown that the Kingston Road runs diagonally through the said township and that the character of the road is far beyond the requirements of the said township; and whereas the corporation of the said township of Scarboro' prays that it may be granted certain relief; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

York to pay to Scarboro' annually $2,000.

1. The municipality of the County of York shall hereafter pay to the municipality of the township of Scarboro' the sum of two thousand dollars per annum on the first day of April in each year, the first of such payments to be made on the first day of April, A. D. 1897.

Kingston Road to be repaired by Scarboro.

2. In consideration of such annual payment the said municipality of the township of Scarboro' shall maintain and keep in proper repair so much of the Kingston Road as lies within the said township,

No. 41.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Township of Scarboro'.

First Reading, , 1897

(Private Bill.)

Mr. FLATT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 42.] **BILL.** [1897.

An Act to incorporate The Mineral and Timber Electric Railway Company.

WHEREAS Thomas M. Kirkwood, wholesale merchant; Rinaldo McConnell, miner; Killian McKinnon, lumberman: R. W. DeMorest, civil engineer; and Robert P. Kirkwood, book-keeper: all of the district of Nipissing, have prayed for an Act of incorporation under the name of "The Mineral and Timber Electric Railway Company," for the purpose of constructing and operating an electric railway from the town of Sudbury being a point between the village of Chelmsford in the district of Algoma and the town of Sturgeon Falls in the district of Nipissing, northerly to a point or points on Wahnapitae lake in the said district of Nipissing with power to supply electric energy for light, heat and power purposes to mining companies and others, and to acquire water powers; and whereas it is expedient to grant the power to of the said petition; **Preamble.**

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Thomas M. Kirkwood, Rinaldo McConnell, Killian McKinnon, R. W. DeMorest, and Robert P. Kirkwood and such other persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Mineral and Timber Electric Railway Company." **Incorporation**

2. The said Company is hereby authorized and empowered to survey, lay out, construct, make, complete, alter and keep in repair, iron or steel railways to be operated by electricity with double or single iron or steel tracks from a point at or near the town of Sudbury in the district of Nipissing in a northerly direction passing through the townships of McKim, Blezard, **Authority to construct.**

Garson, Capreol and Norman to Skinner's Bay on lake Wahnapitae in said district of Nipissing.

Board of directors.

3. The said Thomas M. Kirkwood, Rinaldo McConnell, Killian McKinnon, R. W. DeMorest and Robert P. Kirkwood, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company of whom a majority shall be a quorum and shall hold office as such until other directors shall be appointed under the provisions of *The Electric Railway Act, 1895*, by the shareholders.

Meetings of board.

4. All meetings of the provisional board of directors shall be held at the town of Sudbury in the said district of Nipissing or at such other place as may best suit the interests of the said company.

Capital stock.

5. The capital stock of the company hereby incorporated shall be $100,000, to be divided into 1,000 shares of $100 each.

Election of directors.

6. The board of directors of the said company, shall consist of not less than five persons who shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act, 1895*.

Head office.

7. The head office of the said company shall be at the town of Sudbury in the district of Nipissing.

58 V. c. 38, incorporated herewith.

8. The several clauses of *The Electric Railway Act, 1895*, and of every Act in amendment thereof shall be incorporated with and be deemed to be a part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said Electric Railway Act and of every Act in amendment thereof so incorporated with this Act.

Bonding powers.

9. The director of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $5,000, for each mile of the said railway, and the provisions of sections 20 to 25 both inclusive of *The Electric Railway Act, 1895*, shall apply to all such bonds and the issue thereof and such bonds shall be issued subject and according to and in conformity with the provisions of the said sections.

Time for commencement and completion.

10. The said railway shall be commenced within one year and completed within three years after the passing of this Act.

No. 42.

3rd Session, 8th Legislature, 60 Vict., 1897.

Bill.

An Act to incorporate The Mineral and Timber Electric Railway Company.

First Reading, 1897.

(Private Bill.)

Mr. FARWELL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 42.] **BILL.** [1897.

An Act to incorporate The Mineral and Timber Electric Railway Company.

WHEREAS Thomas M. Kirkwood, wholesale merchant; Rinaldo McConnell, miner; Killian McKinnon, lumberman; R. W. DeMorest, civil engineer: and Robert P. Kirkwood, book-keeper; all of the district of Nipissing, have prayed for an Act of incorporation under the name of "The Mineral and Timber Electric Railway Company," for the purpose of constructing and operating an electric railway from *a point in or near* the town of Sudbury, in the district of Nipissing, in a northerly direction passing through the townships of McKim, Blezard, Garson, Capreol and Norman to Skinner's Bay, on Wahnapitae lake in the said district of Nipissing; and whereas it is expedient to grant the *prayer* of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Thomas M. Kirkwood, Rinaldo McConnell, Killian McKinnon, R. W. DeMorest, and Robert P. Kirkwood and such other persons and corporations as shall hereafter become shareholders *in* the said company are hereby constituted a body corporate and politic under the name of "The Mineral and Timber Electric Railway Company." Incorporation

2 The said Company is hereby authorized and empowered to survey, lay out, construct, make, complete, alter and keep in repair *an* iron or steel railway to be operated by electricity with double or single iron or steel tracks from a point *in* or near the town of Sudbury in the district of Nipissing in a northerly direction passing through the townships of McKim, Blezard, Garson, Capreol and Norman to Skinner's Bay on lake Wahnapitae in said district of Nipissing, and the said railway, or any part thereof, may be carried along and upon such Authority to construct.

public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein, and in *The Electric Railway Act, 1895*, contained, and under and subject to any agreements hereafter to be made between the said company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways: and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in *The Electric Railway Act, 1895*, and in *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same.

Board of directors.

3. The said Thomas M. Kirkwood, Rinaldo McConnell, Killian McKinnon, R. W. DeMorest and Robert P. Kirkwood, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company and shall hold office as such until other directors shall be appointed under the provisions of *The Electric Railway Act, 1895*, by the shareholders.

Meetings of board.

4. All meetings of the provisional board of directors shall be held at the town of Sudbury in the said district of Nipissing or at such other place as may best suit the interests of the said company.

Capital stock.

5. The capital stock of the company hereby incorporated shall be $100,000, to be divided into 1,000 shares of $100 each.

Election of directors.

6. The board of directors of the said company, shall consist of five persons who shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act, 1895*.

Head office.

7. The head office of the said company shall be at the town of Sudbury in the district of Nipissing.

58 V. c. 38, incorporated herewith.

8. The several clauses of *The Electric Railway Act, 1895*, and of every Act in amendment thereof shall be incorporated with and be deemed to be a part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said Electric Railway Act and of every Act in amendment thereof so incorporated with this Act.

Bonding powers.

9. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of

the issue of such bonds shall not exceed in all the sum of $5,000, for each mile of the said railway, and the provisions of sections 20 to 25 both inclusive of *The Electric Railway Act, 1897*, shall apply to all such bonds and the issue thereof and such bonds shall be issued subject and according to and in conformity with the provisions of the said sections.

10. The said railway shall be commenced within one year and completed within three years after the passing of this Act. Time for commencement and completion.

No. 42.

3rd Session, 8th Legislature, 60 Vict., 1897.

Bill.

An Act to incorporate The Mineral and Timber Electric Railway Company.

First Reading, 8th March, 1897.

(Reprinted as amended by Railway Committee.)

Mr. FARWELL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 43.] BILL. [1897.

An Act respecting the Town of Thorold.

Preamble.

WHEREAS the corporation of the town of Thorold, have by their petition, represented that disastrous loss has resulted to the said Town through the closing up of large milling and manufacturing industries heretofore existing in the said town, whereby large and valuable buildings, property and water power are lying idle and unproductive, and a large number of the inhabitants have in consequence been thrown out of employment; that the said industries cannot be re-established without financial assistance, which the town is anxious to give, and have prayed that to repair the loss special powers may be granted to enable them to secure the establishment within the said town of industrial and manufacturing enterprises; and whereas the case of the said town is shewn to be quite exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Town of Thorold authorized to hold real estate and water power.

1. Subject as hereinafter provided it shall be lawful for the Town of Thorold to acquire and hold by, purchase, lease or otherwise, for manufacturing purposes, real estate and water power, within said town and to convey or lease the same or any interest therein, to such persons, firms or corporations and upon such terms and conditions as to the said town may be deemed advisable.

Power to bonus manufactures, etc.

2. To grant aid by way of loan or bonus to secure the establishment of industrial and manufacturing enterprises within the said town, or to take stock in any such enterprises to an amount not exceeding under the powers conferred by this Act an aggregate of $, and to issue debentures and do all other acts in connection therewith as if the power to grant bonuses was still vested in municipalities.

Bonus not to be granted unless by-law duly adopted by ratepayers.

3. No such purchase of real estate or water power shall be made nor such aid by way of loan, bonus or subscribed stock or any of them shall be given until after the passing of by-laws by the Municipal Council for the purpose and adoption of such by-laws by the qualified electors as provided in *The Consolidated Municipal Act, 1892*, for the creation of debts, and except as herein otherwise provided, all the provisions of *The Consolidated Municipal Act, 1892*, relating to the creation of debts and the assent of the qualified ratepayers shall apply.

Bonus not to be granted where industries of similar character already established.

4. (1)—No bonus shall be granted to a manufacturer under this Act who proposes to establish an industry of a similar nature to one already established in the municipality without any such bonus.

Bonus not to be granted to secure removal of another industry.

(2) No bonus shall be granted by the said municipality to secure the removal thereto of an industry already established elsewhere in the Province

Bonus not to neces itate rate exceeding ten cents on the dollar.

(3) No bonus shall be granted in aid of any manufacturing industry for the purchase of any such real estate or water power where the granting of such bonus would, for its payment, together with the payment of similar bonuses already granted by the municipality, require an annual levy for principal and interest, exceeding ten per cent of the total annual municipal taxation thereof.

Disputes as to results of vote.

5. In case of a dispute as to the result of the vote on any by-law submitted under this Act, the County Judge shall have the same powers for determining the question as he has in any case of the scrutiny of the votes.

Proceedings on scrutiny.

6. The petition to the Judge may be by an elector or by the council, and the proceedings for obtaining the Judge's decision shall be the same as nearly as may be as in the case of the scrutiny.

Application of certain provisions of 55 V., c. 42.

7. Sections, 209 to 222, 293 to 319, and sections 321 to 328, inclusive, of *The Consolidated Municipal Act, 1892*, and their subsections shall be taken and considered as part of this Act.

Provisions of 55 V. c. 42, as to creation of debts to apply.

8. Except as otherwise provided in this Act, all the clauses of *The Consolidated Municipal Act, 1892*, relating to the creation of debts, the issue of debentures and the time and manner of repayment of the same shall apply and be read as a part of this Act.

Short title.

9. This Act may be cited as *The Town of Thorold Improvement Act, 1897.*

No. 43.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Town of Thorold.

First Reading, 1897.

(Private Bill.)

Mr. GERMAN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 43.] **BILL.** [1897.

An Act respecting the Town of Thorold.

Preamble.

WHEREAS the corporation of the town of Thorold, have by their petition, represented that disastrous loss has resulted to the said Town through the closing up of large milling and manufacturing industries heretofore existing in the said town, whereby large and valuable buildings, property and water power are lying idle and unproductive, aud a large number of the inhabitants have in consequence been thrown out of employment; that the said industries cannot be re-established without financial assistance, which the town is anxious to give, and have prayed that to repair the loss special powers may be granted to enable them to secure the establishment within the said town of industrial and manufacturing enterprises; and whereas the case of the said town is shewn to be quite exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Bonus not to be granted unless by-law duly adopted by ratepayers.

1. *It shall be lawful for the said town of Thorold* to grant aid by way of loan or bonus to secure the establishment of industrial and manufacturing enterprises within the said town, to an amount not exceeding under the powers conferred by this Act an aggregate *sum* of *$30,000*, and to issue debentures and do all other acts in connection therewith as if the power to grant bonuses was still vested in municipalities.

Power to bonus manufactures, etc.

2. No such aid by way of loan *or* bonus shall be given until after the passing of by-laws by the Municipal Council for the purpose and *the* adoption of such by-laws by the qualified electors as provided in *The Consolidated Municipal Act, 1892*, for the creation of debts, and except as herein otherwise provided, all the provisions of *The Consolidated Municipal Act, 1892*, relating to the creation of debts and the assent of the qualified ratepayers shall apply.

☞3.—(1) Notwithstanding anything contained in the preceding section of this Act, the vote of two-thirds in the affirmative of the ratepayers who are entitled to vote upon any by-law granting aid to, or for promoting the establishment of, a manufactory or manufacturing establishment, or for lending money to such company, person or establishment, or guaranteeing the payment of money borrowed shall be necessary in order to the carrying of the by-law.☜

Bonus not to be granted where industries of similar character already established.

(2) No bonus shall be granted to a manufacturer under this Act who proposes to establish an industry of a similar nature to one already established in the municipality without any such bonus.

Bonus not to be granted to secure removal of another industry.

(3) No bonus shall be granted by the said municipality to secure the removal thereto of an industry already established elsewhere in the Province.

Bonus not to necessitate rate exceeding ten cents on the dollar.

(4) No bonus shall be granted in aid of any manufacturing industry where the granting of such bonus would, for its payment, together with the payment of similar bonuses already granted by the municipality, require an annual levy for principal and interest, exceeding ten per cent of the total annual municipal taxation thereof.

Further certificate by clerk.

☞4. In addition to the certificate required by section 318 of *The Consolidated Municipal Act, 1892*, the clerk, in case of a majority of votes being in favor of the by-law, shall further certify whether or not, as shown by the voters' list, such majority appears to be two-thirds of all the voters who are entitled to vote on the by-law.☜

Disputes as to results of vote.

5. In case of a dispute as to the result of the vote on any by-law submitted under this Act, the County Judge shall have the same powers for determining the question as he has in any case of the scrutiny of the votes.

Proceedings on scrutiny.

6. The petition to the Judge may be by an elector or by the council, and the proceedings for obtaining the Judge's decision shall be the same as nearly as may be as in the case of the scrutiny.

Application of certain provisions of 55 V., c. 42.

7. Sections, 209 to 222, 293 to 319, and sections 321 to 328, inclusive, of *The Consolidated Municipal Act, 1892*, and their subsections shall be taken and considered as part of this Act.

Provisions of 55 V. c. 42, as to creation of debts to apply.

8. Except as otherwise provided in this Act, all the clauses of *The Consolidated Municipal Act, 1892*, relating to the creation of debts, the issue of debentures and the time and manner of repayment of the same shall apply and be read as a part of this Act.

Short title.

9. This Act may be cited as *The Town of Thorold Improvement Act, 1897.*

No. 43.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Town of Thorold.

First Reading, 9th March, 1897.

(Re-Printed as amended by the Private Bills Committee.)

Mr. German.

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 44.] **BILL.** [1897.

An Act to amend the Act incorporating the South Essex Electric Railway Company.

Preamb'e

WHEREAS the South Essex Electric Railway Company have by their petition prayed that an Act may be passed authorizing the company to extend their line from the town of Amherstburg to the town of Sandwich and from thence to the city of Windsor, passing through the townships of Anderdon and Sandwich West, and also from the said town of Amherstburg through the townships of Malden, Colchester South and Gosfield South to the village of Kingsville, and thence through the townships of Gosfield South and Mersea to the town of Leamington, all in the county of Essex, and to increase the capital stock of the company, and to extend the time for the commencement and completion of the company's railway, and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

59 V. c. 109, s. 2, repealed.

1. Section 2 of chapter 109 of the Acts passed in the 59th year of Her Majesty's reign, intituled, *An Act to incorporate the South Essex Electric Railway Company*, is repealed and the following substituted therefor:

Location of line.

2. The company is hereby authorized and empowered to survey, lay out, construct, make, complete, alter and keep in repair iron or steel railways to be operated by electricity, with single or double iron or steel tracks from some point in the town of Amherstburg to the town of Sandwich and thence to the city of Windsor, passing through the townships of Anderdon and Sandwich West, and also from the said town of Amherstburg through the townships of Malden, Colchester South and Gosfield South to the village of Kingsville, and thence through the townships of Gosfield South and Mersea to the town of Leamington, all in the county of Essex, and the railways or any of them or any part thereof may be carried along and upon such public highways as may be authorized by

the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in *The Electric Railway Act, 1895*, contained, and under and subject to any agreement hereafter to be made between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways, and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in *The Electric Railway Act, 1895*, and in *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same.

58 V. c. 38.

58 V. c. 38.

55 V. c. 42.

59 V. c. 109, s. 5, repealed.

2. Section 5 of the said Act is repealed and the following substituted therefor:

Capital stock.

5. The capital stock of the company shall be $100,000, to be divided into 4,000 shares of $25 each.

59 V. c. 109, s. 12, repealed.

3. Section 12 of the said Act is repealed and the following substituted therefor:

Time for commencement and completion.

12. The railways shall be commenced within two years after the passing of this Act and finished within three years.

58 V. c. 38, s. 87, not to apply.

4. Section 87 of *The Electric Railway Act, 1895*, shall not apply to the South Essex Electric Railway Company.

No. 44.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend the Act incorporating the South Essex Electric Railway Company.

First Reading, , 1897.

(Private Bill.)

Mr. AULD.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 44.] **BILL.** [1897.

An Act to amend the Act incorporating the South Essex Electric Railway Company.

Preamble.

WHEREAS the South Essex Electric Railway Company have by their petition prayed that an Act may be passed authorizing the company to extend their line from the town of Amherstburg to the town of Sandwich and from thence to the city of Windsor, passing through the townships of Anderdon and Sandwich West; and also from the said town of Amherstburg through the townships of Malden, Colchester South and Gosfield South to the village of Kingsville, and thence through the townships of Gosfield South and Mersea to the town of Leamington, all in the county of Essex, and to increase the capital stock of the company, and to extend the time for the commencement and completion of the company's railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

59 V. c. 109, s. 2, repealed.

1. Section 2 of chapter 109 of the Acts passed in the 59th year of Her Majesty's reign, intituled, *An Act to incorporate the South Essex Electric Railway Company*, is repealed and the following substituted therefor:

Location of line.

2. The company is hereby authorized and empowered to survey, lay out, construct, make, complete, alter and keep in repair iron or steel railways to be operated by electricity, with single or double iron or steel tracks from some point in the town of Amherstburg to the town of Sandwich and thence to the city of Windsor, passing through the townships of Anderdon and Sandwich West; and also from the said town of Amherstburg through the townships of Malden, Colchester South and Gosfield South to the village of Kingsville, and thence through the townships of Gosfield South and Mersea to the town of Leamington, all in the county of Essex, and the railways or any of them or any part thereof may be carried along and upon such public highways as may be authorized by

the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in *The Electric Railway Act, 1895*, contained, and under and subject to any agreements hereafter to be made between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways, and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in *The Electric Railway Act, 1895*, and in *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same.

58 V. c. 38.

58 V. c. 38.

55 V. c. 42.

59 V. c. 109, s. 5, repealed.

2. Section 5 of the said Act is repealed and the following substituted therefor:

Capital stock.

5. The capital stock of the company shall be $100,000, to be divided into 4,000 shares of $25 each.

Time for commencement and completion.

3. The said railways shall be commenced within eighteen months after the passing of this Act and shall be completed within three years after the passing of this Act.

59 V. c. 109, s. 12, repealed.

4. Section 12 of the said *Act to Incorporate the South Essex Electric Railway Company* is repealed.

No. 44.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend the Act incorporating the South Essex Electric Railway Company.

First Reading, 8th March, 1897.

(*Reprinted as amended by Railway Committee*).

Mr. AULD.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 45.] BILL. [1897.

An Act respecting the Township of York.

Preamble

WHEREAS the municipal corporation of the Township of York has, by its petition, represented that it is expedient and of advantage that provision should be made to dissolve school section number 13 of the corporation of the Township of York from the union school section composed of the Town of Toronto Junction and school sections numbers 13 and 22 of the Township of York, that further provision should be made for the collection of rates in the said township, that the award respecting school section number 26 of the said township and school section number 6 of the said township (which latter section forms a union with the Village of East Toronto) should be confirmed, that the said the corporation of the township of York should be empowered to demand and receive from the corporation of the County of York compensation towards the maintenance of those portions of Yonge street, Dundas street and Kingston road situate within the limits of the said township, that the said the corporation of the Township of York should be empowered to demand and receive from the corporation of the County of York an assignment of all the rights of the said county over the respective electric street railway companies operating street railways over Yonge street, Dundas street and Kingston road, in the said township, and that said corporation should be empowered to extend the time for the payment of certain public school debentures; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Reference of dissolution to arbitrator.

1.—(1) That the respective corporations of the Town of Toronto Junction and the Township of York are hereby authorized and required at the next meeting of the municipal councils of the said respective corporations held after the receipt of a petition of five ratepayers of the municipality of the Town of

Toronto Junction to the municipal council thereof, and a petition of five ratepayers of school section No. 13 of the Township of York to the municipal council of such township, asking for the dissolution of said school section No. 13 of the Township of York from the union composed of the Town of Toronto Junction and school sections Nos. 13 and 22 of the Township of York, to refer such to James A. Proctor, Esq., Official Arbitrator, who shall hear and determine upon the matter referred to him and shall value and adjust in an equitable manner all rights and claims consequent upon such dissolution, and who shall also determine in what manner and by whom the same shall be paid, and the sum of money also to be paid, and the disposition of the property of the union, and the right of any ratepayer affected by the award, and such valuation, adjustment and determination shall form and be considered an integral portion of his award, which shall be made within one month from the latter of such references to him, and which award shall be final and binding upon the municipality and school sections concerned.

(2) The money found due under said award shall be deemed money for school purposes and shall be paid to the municipality or school section entitled thereto, and for such purpose the necessary by-law may be passed and debenture or debentures may be issued by the proper municipality to be payable out of the taxable property in such municipality or school section as the case may be (without a special meeting of the electors interested therein being held), payable in thirty annual instalments, in accordance with the provisions of section 342 of *The Consolidated Municipal Act, 1892*, anything in *The Public Schools Act, 1896*, to the contrary notwithstanding.

(3) The trustees having jurisdiction over the school property situate in said union school section shall exercise all the powers conferred upon trustees by the said *The Public Schools Act, 1896*, until an election of public school trustees is held in such dissolved section; and such trustees shall call a meeting of the public school supporters in such section dissolved from said union within two weeks after the coming into force of the said award for the election of a new public school board. In calling such meeting the provisions of section 57 of *The Public Schools Act, 1896*, shall be complied with so far as the same are applicable.

Treasurer to leave statement of taxes.

2.—(1) That it may be lawful for the treasurer of the Township of York to leave or cause to be left with the person taxed or at his residence, domicile, or place of business, or on the premises in respect to which the taxes to be collected by the Township of York are payable, a written or printed notice, specifying the amount of such taxes; and shall at the time of such notice, or immediately thereafter, cause to be entered

the date thereof on his collection roll opposite to the name of the person taxed, and such entry shall be *prima facie* evidence of such notice.

(2) In case a person neglects to pay his taxes for 14 days after such notice as aforesaid, it may be lawful for the treasurer of the Township of York, by himself or his agent, subject to the exemption provided for by sections 27 and 28 of the *Act respecting the Law of Landlord and Tenant*, levy such taxes with costs by distress of the goods and chattels of the person who should pay the same, or of any goods and chattels in his possession wherever the same may be found within the County of York, the property of or in the possession of any other occupant of the premises.

(3) If at any time after notice has been served as aforesaid and before the expiry of the time for the payment of the taxes, the said treasurer has good reason to believe that any party by whom taxes are payable is about to remove his goods and chattels out of the said township of York before such time has expired, and makes affidavit to that effect before the reeve of said township or before any Justice of the Peace, such reeve or justice shall issue a warrant to the said treasurer authorizing him to levy for the taxes and costs in the manner provided by this Act although the time for payment thereof may not have expired, and such treasurer may levy accordingly.

Award in Schedule "A" confirmed.

3. That the award, as amended, respecting school section number 6 and school section number 26 of the township of York made by Messrs Hotheringham, Wallace and Harvey, which is fully set forth in the Schedule "A" to this Act, is hereby confirmed and declared legal and valid to all intents and purposes.

Township to receive $2,700 per year for maintenance of certain streets.

4.—(1) The municipal corporation of the township of York are hereby authorized and empowered to demand and receive payment from the municipal corporation of the county of York of the sum of $2,700 per annum towards the cost of maintenance of those portions of Yonge street, Dundas street and Kingston road situate and being within the limits of the township of York.

(2) The municipal corporation of the county of York are hereby authorized and empowered to make such payment of $2,700 per annum to the municipal corporation of the township of York, and for such purpose to pass a by-law at the last session in each year of the county council of the said county.

(3) In case the said county council shall at any time or times neglect to pass such by-law, or in case default in payment of such sum or any part thereof shall at any time or times be made, so often as such neglect or default shall occur the said

the municipal corporation of the township of York may sue for and recover judgment for the amount unpaid, together with costs of action, by an action against the corporation of the county of York in the High Court of Justice or other court of competent jurisdiction, and may upon such judgment take all such steps and proceedings to realize the amount thereof as may be taken to recover upon an ordinary judgment against a municipal corporation, or the said corporation of the township of York may deduct such sum from the amount of the county rates from time to time payable by said corporation of the township of York to the corporation of the county of York.

Township authorized to receive, and county to make assignment of rights over electric railway companies.

5. The municipal corporation of the township of York are hereby authorized and empowered to demand and receive from the municipal corporation of the County of York, and the said corporation of the County of York are hereby authorized and empowered to make a good and valid assignment of all the rights of the corporation of the County of York over the respective electric street railway companies operating street railways over Yonge street, Dundas street and Kingston road and their respective tracks, switches and rolling stock, in so far as the same are situate within the limits of the township of York.

Township may issue public school debentures.

6. The corporation of the township of York may upon the request of any public school board of any school section in said municipality, with the consent of the holders of the debentures of said school section, pass a by-law for authorizing the issue of public school debentures of the said school section for a sum not exceeding the sum then owing for principal money to the holders of the debentures of said school section for the purpose of redeeming the outstanding debentures of said school section, such new debentures to be payable in 30 annual instalments in accordance with the provisions of section 342 of *The Consolidated Municipal Act, 1892.*

By-laws of township confirmed.

7. All by-laws heretofore passed by the municipal council of said corporation of the township of York for borrowing money, and all debentures issued thereunder, and all special assessments made for the payment of such debentures, are hereby validated and confirmed.

SCHEDULE A.

(Section 3.)

AWARD OF ARBITRATORS.

(*Re* Union No. 6, York and East Toronto.)

To all to whom these presents may come, we, David Fotheringham, public school inspector, South York, John G. Harvey, of Todmorden, and Thomas F. Wallace, of Woodbridge, send greeting.

Whereas, we, the aforementioned, have been duly appointed arbitrators pursuant to the Public Schools Act of 1896, to take into consideration and issue an award upon alterations asked for in the boundaries of Union S. S. No. 6, York and East Toronto, by petitions presented to the municipal councils of York township and the village of East Toronto;

And whereas, we have, on due notice and by adjournment, met from time to time and have carefully considered all facts, allegations, proofs and interests presented to us;

And whereas, it has been shewn that a large number of children of school age resident in that part of Union No. 6 to the north and east of said village are practically excluded from their own school in East Toronto and are forced to attend the school in section No. 26, York, on account of danger and distance in seeking to reach the East Toronto schools;

Now therefore, know ye that we the undersigned do arbitrate, award and determine concerning the matter in hand in the manner following, that is to say:—

1. We arbitrate, award and determine that all that part of Union S. S. No. 6, York, lying to the northeast of the village of East Toronto and bounded on the east by the town line between the townships of York and Scarboro, on the south by the Grand Trunk Railway, on the north by the Danforth road, on the west by the boundary of East Toronto village, which is conterminous with the eastern boundary of the Grand Trunk property lying east of Main street, and being composed of parts of lots Nos. 1, 2 and 3, concession 1, F. B., in the said township of York, shall be and hereby is detached from S. S. No. 6, York, in union with East Toronto, and be added to and be a part of S. S. No. 26, York.

2. Further, we arbitrate, award and determine that, in lieu of the amount of debenture debt and interest still to be collected from the property thus detached from the union by the township of York and paid to the East Toronto school board on behalf of its school buildings, the municipal council of East Toronto shall, on or before the 25th day of December, 1896, pay to the treasurer of the school board of No. 26, York, the sum of one hundred and eighty dollars to be used by him forthwith in reducing the debenture debt of S. S, No. 26, York.

3. We arbitrate, award and determine that the costs of this arbitration shall be borne by the board of trustees of S. S. No. 26, York, as follows:

T. F. Wallace	$12 20
J. G. Harvey	8 80
D. Fotheringham	13 20
W. H. Givens, secretary to arbitrators	9 00

and the municipal council of the township of York shall pay to W. A. Clarke, its clerk, the sum of eight dollars for attendance on this board of arbitrators and extracts *re* assessments, debentures, etc.

Made and published under our hands and seals this 20th day of May, 1896.

(Signed) D. FOTHERINGHAM, (Seal)
JOHN G. HARVEY, (Seal) } Arbitrators.
THOMAS F. WALLACE. (Seal)

(Signed) W. H. GIVENS, Witness.

Amended this 27th day of February, 1897.

(Signed) D. FOTHERINGHAM,
JOHN G. HARVEY,
T. F. WALLACE.

No. 45.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Township of York.

First Reading, , 1897.

(Private Bill.)

Mr.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 45.] **BILL.** [1897.

An Act respecting the Township of York.

Preamble. WHEREAS the municipal corporation of the Township of York has, by its petition, represented that it is expedient and of advantage that provision should be made to dissolve school section number 13 of the corporation of the Township of York from the union school section composed of the Town of Toronto Junction and school sections numbers 13 and 22 of the Township of York, that further provision should be made for the collection of rates in the said township; *and has further represented* that the award respecting school section number 26 of the said township and school section number 6 of the said township (which latter section forms a union with the Village of East Toronto) should be confirmed, and *whereas it is in and by the said petition further asked* that said corporation should be empowered to extend the time for the payment of certain public school debentures; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Reference of dissolution to arbitrator. **1.**—(1) That the respective corporations of the Town of Toronto Junction and the Township of York are hereby authorized and required at the next meeting of the municipal councils of the said respective corporations held after the receipt of a petition of five ratepayers of the municipality of the Town of Toronto Junction to the municipal council thereof, and a petition of five ratepayers of school section No. 13 of the Township of York to the municipal council of such township, asking for the dissolution of said school section No. 13 of the Township of York from the union composed of the Town of Toronto Junction and school sections Nos. 13 and 22 of the Township of York, to refer such to James A. Proctor, Esq., Official Arbitrator, who shall hear and determine upon the matter referred to him and shall value and adjust in an equitable

manner all rights and claims consequent upon such dissolution, and who shall also determine in what manner and by whom the same shall be paid, and the sum of money also to be paid, and the disposition of the property of the union, and the right of any ratepayer affected by the award, and such valuation, adjustment and determination shall form and be considered an integral portion of his award, which shall be made within one month from the latter of such references to him, and which award shall be final and binding upon the municipality and school sections concerned.

(2) The money found due under said award shall be deemed money for school purposes and shall be paid to the municipality or school section entitled thereto, and for such purpose the necessary by-law may be passed and debenture or debentures may be issued by the proper municipality to be payable out of the taxable property in such municipality or school section as the case may be (without a special meeting of the electors interested therein being held), payable in thirty annual instalments, in accordance with the provisions of section 342 of *The Consolidated Municipal Act, 1892*, anything in *The Public Schools Act, 1896*, to the contrary notwithstanding.

(3) The trustees having jurisdiction over the school property situate in said union school section shall exercise all the powers conferred upon trustees by the said *The Public Schools Act, 1896*, until an election of public school trustees is held in such dissolved section; and such trustees shall call a meeting of the public school supporters in such section dissolved from said union within two weeks after the coming into force of the said award for the election of a new public school board. In calling such meeting the provisions of section 57 of *The Public Schools Act, 1896*, shall be complied with so far as the same are applicable.

(4) Nothing in this section contained shall relieve either of the said school sections 13 or 22 from any liability (if any exists) in respect of any outstanding school debentures of the town of Toronto Junction.

Award in Schedule "A" confirmed.

2. That the award, as amended, respecting school section number 6 and school section number 26 of the township of York made by Messrs Fotheringham, Wallace and Harvey, which is fully set forth in the Schedule "A" to this Act, is hereby confirmed and declared legal and valid to all intents and purposes.

Township may issue public school debentures.

3. The corporation of the township of York may upon the request of *the* boards of *the trustees of* school sections *26 and 27 or either of such sections* in said municipality, with the consent of the holders of the debentures of *such* school section, pass a by-law for authorizing the issue of public school debentures of *such* school section for a sum not exceeding the sum then owing for principal money to the holders of the debentures of *such* school section for the purpose of redeeming the outstanding debentures of *such* school section, such new debentures to be payable in 30 annual instalments in accordance with the provisions of section 342 of *The Consolidated Municipal Act, 1892*.

SCHEDULE A.

(Section 3.)

AWARD OF ARBITRATORS.

(*Re* Union No. 6, York and East Toronto.)

To all to whom these presents may come, we, David Fotheringham, public school inspector, South York, John G. Harvey, of Todmorden, and Thomas F. Wallace, of Woodbridge, send greeting.

Whereas, we, the aforementioned, have been duly appointed arbitrators pursuant to the Public Schools Act of 1896, to take into consideration and issue an award upon alterations asked for in the boundaries of Union S. S. No. 6, York and East Toronto, by petitions presented to the municipal councils of York township and the village of East Toronto;

And whereas, we have, on due notice and by adjournment, met from time to time and have carefully considered all facts, allegations, proofs and interests presented to us;

And whereas, it has been shewn that a large number of children of school age resident in that part of Union No. 6 to the north and east of said village are practically excluded from their own school in East Toronto and are forced to attend the school in section No. 26, York, on account of danger and distance in seeking to reach the East Toronto schools;

Now therefore, know ye that we the undersigned do arbitrate, award and determine concerning the matter in hand in the manner following, that is to say:—

1. We arbitrate, award and determine that all that part of Union S. S. No. 6, York, lying to the northeast of the village of East Toronto and bounded on the east by the town line between the townships of York and Scarboro, on the south by the Grand Trunk Railway, on the north by the Danforth road, on the west by the boundary of East Toronto village, which is conterminous with the eastern boundary of the Grand Trunk property lying east of Main street, and being composed of parts of lots Nos. 1, 2 and 3, concession 1, F. B., in the said township of York, shall be and hereby is detached from S. S. No. 6, York, in union with East Toronto, and be added to and be a part of S. S. No. 26, York.

2. Further, we arbitrate, award and determine that, in lieu of the amount of debenture debt and interest still to be collected from the property thus detached from the union by the township of York and paid to the East Toronto school board on behalf of its school buildings, the municipal council of East Toronto shall, on or before the 25th day of December, 1896, pay to the treasurer of the school board of No. 26, York, the sum of one hundred and eighty dollars to be used by him forthwith in reducing the debenture debt of S. S. No. 26, York.

3. We arbitrate, award and determine that the costs of this arbitration shall be borne by the board of trustees of S. S. No. 26, York, as follows:

T. F. Wallace	$12 20
J. G. Harvey	8 80
D. Fotheringham	13 20
W. H. Givens, secretary to arbitrators	9 00

and the municipal council of the township of York shall pay to W. A. Clarke, its clerk, the sum of eight dollars for attendance on this board of arbitrators and extracts *re* assessments, debentures, etc.

Made and published under our hands and seals this 20th day of May, 1896.

(Signed) D. FOTHERINGHAM, (Seal)
JOHN G. HARVEY, (Seal) } Arbitrators.
THOMAS F. WALLACE. (Seal)

(Signed) W. H. GIVENS, Witness.

Amended this 27th day of February, 1897.

(Signed) D. FOTHERINGHAM,
JOHN G. HARVEY,
T. F. WALLACE.

No. 45.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Township of York.

First Reading, 11th March, 1897.

(Reprinted as amended by Private Bills Committee,)

Mr.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 45.] **BILL.** [1897.

An Act respecting the Township of York.

Preamble.

WHEREAS the municipal corporation of the Township of York has, by its petition, represented that it is expedient and of advantage that provision should be made to dissolve school section number 13 of the corporation of the Township of York from the union school section composed of the Town of Toronto Junction and school sections numbers 13 and 22 of the Township of York, that further provision should be made for the collection of rates in the said township; *and has further represented* that the award respecting school section number 26 of the said township and school section number 6 of the said township (which latter section forms a union with the Village of East Toronto) should be confirmed, and *whereas it is in and by the said petition further asked* that said corporation should be empowered to extend the time for the payment of certain public school debentures; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Reference of dissolution to arbitrator.

1.—(1) That the respective corporations of the Town of Toronto Juncion and the Township of York are hereby authorized and required at the next meeting of the municipal councils of the said respective corporations held after the receipt of a petition of five ratepayers of the municipality of the Town of Toronto Junction to the municipal council thereof, and a petition of five ratepayers of school section No. 13 of the Township of York to the municipal council of such township, asking for the dissolution of said school section No. 13 of the Township of York from the union composed of the Town of Toronto Junction and school sections Nos. 13 and 22 of the Township of York, to refer such to James A. Proctor, Esq., Official Arbitrator, who shall hear and determine upon the matter referred to him and shall value and adjust in an equitable

manner all rights and claims consequent upon such dissolution, and who shall also determine in what manner and by whom the same shall be paid, and the sum of money also to be paid, and the disposition of the property of the union, and the right of any ratepayer affected by the award, and such valuation, adjustment and determination shall form and be considered an integral portion of his award, which shall be made within one month from the latter of such references to him, and which award shall be final and binding upon the municipality and school sections concerned.

(2) The money found due under said award shall be deemed money for school purposes and shall be paid to the municipality or school section entitled thereto, and for such purpose the necessary by-law may be passed and debenture or debentures may be issued by the proper municipality to be payable out of the taxable property in such municipality or school section as the case may be (without a special meeting of the electors interested therein being held), payable in thirty annual instalments, in accordance with the provisions of section 342 of *The Consolidated Municipal Act, 1892*, anything in *The Public Schools Act, 1896*, to the contrary notwithstanding.

(3) The trustees having jurisdiction over the school property situate in said union school section shall exercise all the powers conferred upon trustees by the said *The Public Schools Act, 1896*, until an election of public school trustees is held in such dissolved section; and such trustees shall call a meeting of the public school supporters in such section dissolved from said union within two weeks after the coming into force of the said award for the election of a new public school board. In calling such meeting the provisions of section 57 of *The Public Schools Act, 1896*, shall be complied with so far as the same are applicable.

(4) Nothing in this section contained shall relieve either of the said school sections 13 or 22 from any liability (if any exists) in respect of any outstanding school debentures of the town of Toronto Junction.

Award in Schedule "A" confirmed.

2. That the award, as amended, respecting school section number 6 and school section number 26 of the township of York made by Messrs Fotheringham, Wallace and Harvey, which is fully set forth in the Schedule "A" to this Act, is hereby confirmed and declared legal and valid to all intents and purposes.

Township may issue public school debentures.

3. The corporation of the township of York may upon the request of *the* boards of *the trustees of* school sections *26 and 27 or either of such sections* in said municipality, with the consent of the holders of the debentures of *such* school section, pass a by-law for authorizing the issue of public school debentures of *such* school section for a sum not exceeding the sum

then owing for principal money to the holders of the debentures of *such* school section for the purpose of redeeming the outstanding debentures of *such* school section, such new debentures to be payable in 30 annual instalments in accordance with the provisions of section 342 of *The Consolidated Municipal Act, 1892*.

55 V. c 94, s. 4 amended.

4. Section 4 of chapter 94, of the Act 58th Victoria, being *An Act respecting the Township of York*, is hereby amended by adding thereto the following as subsections 2 and 3 thereof:

55 V. c. 48.

(2) Subsection 1 of section 123 of *The Consolidated Assessment Act, 1892*, shall hereafter instead of subsection 2 of the said section 123 apply to and be in force in the said township of York.

Notice of demand for taxes.

(3) The municipal council of the said township shall cause to be printed upon some portion of each written or printed notice to be delivered in pursuance of the provisions of the said subsection 1 of section 123 a copy of such subsection with the substitution of the words "the collector" for the words preceding the word "shall" in the first line of the said subsection.

SCHEDULE A.

(Section 3.)

AWARD OF ARBITRATORS.

(*Re* Union No. 6, York and East Toronto.)

To all to whom these presents may come, we, David Fotheringham, public school inspector, South York, John G. Harvey, of Todmorden, and Thomas F. Wallace, of Woodbridge, send greeting.

Whereas, we, the aforementioned, have been duly appointed arbitrators pursuant to the Public Schools Act of 1896, to take into consideration and issue an award upon alterations asked for in the boundaries of Union S. S. No. 6, York and East Toronto, by petitions presented to the municipal councils of York township and the village of East Toronto;

And whereas, we have, on due notice and by adjournment, met from time to time and have carefully considered all facts, allegations, proofs and interests presented to us;

And whereas, it has been shewn that a large number of children of school age resident in that part of Union No. 6 to the north and east of said village are practically excluded from their own school in East Toronto and are forced to attend the school in section No. 26, York, on account of danger and distance in seeking to reach the East Toronto schools;

Now therefore, know ye that we the undersigned do arbitrate, award and determine concerning the matter in hand in the manner following, that is to say:—

1. We arbitrate, award and determine that all that part of Union S. S. No. 6, York, lying to the northeast of the village of East Toronto and bounded on the east by the town line between the townships of York and Scarboro, on the south by the Grand Trunk Railway, on the north by the Danforth road, on the west by the boundary of East Toronto village, which is conterminous with the eastern boundary of the Grand Trunk property lying east of Main street, and being composed of parts of lots Nos. 1, 2 and 3, concession 1, F. B., in the said township of York, shall be and hereby is detached from S. S. No. 6, York, in union with East Toronto, and be added to and be a part of S. S. No. 26, York.

2. Further, we arbitrate, award and determine that, in lieu of the amount of debenture debt and interest still to be collected from the property thus detached from the union by the township of York and paid to the East Toronto school board on behalf of its school buildings, the municipal council of East Toronto shall, on or before the 25th day of December, 1896, pay to the treasurer of the school board of No. 26, York, the sum of one hundred and eighty dollars to be used by him forthwith in reducing the debenture debt of S. S, No. 26, York.

3. We arbitrate, award and determine that the costs of this arbitration shall be borne by the board of trustees of S. S. No. 26, York, as follows:

T. F. Wallace	$12 20
J. G. Harvey	8 80
D. Fotheringham	13 20
W. H. Givens, secretary to arbitrators	9 00

and the municipal council of the township of York shall pay to W. A. Clarke, its clerk, the sum of eight dollars for attendance on this board of arbitrators and extracts *re* assessments, debentures, etc.

Made and published under our hands and seals this 20th day of May, 1896.

(Signed) D. Fotheringham, (Seal)
John G. Harvey, (Seal)
Thomas F. Wallace. (Seal)
} Arbitrators.

(Signed) W. H. Givens, Witness.

Amended this 27th day of February, 1897.

(Signed) D. Fotheringham,
John G. Harvey,
T. F. Wallace.

No. 45.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Township of York.

First Reading, 11th March, 1897.
Second Reading, 22nd March, 1897.

(Reprinted as amended by Committee of the Whole.)

Mr. Burt.

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 46.] **BILL.** [1897.

An Act respecting the Penetanguishene Protestant Separate School.

Preamble.

WHEREAS the corporation of the town of Penetanguishene and the Protestant Separate School Board of Penetanguishene have by their petition represented that the said Protestant Separate School Board have erected and equipped a school building in the said town for their school purposes and have become indebted therefor, and that it will require the sum of $3,500 to pay off said indebtedness, and that the said Protestant Separate School Board have passed a by-law for the issue of debentures for the said amount and that the said corporation have upon the request of the said school board and upon the said school board executing an agreement mortgaging their school premises as security therefor to the said corporation, passed a by-law guaranteeing payment of the said debentures; and whereas the said corporation and the said school board have by their said petition prayed that an Act may be passed to legalize and confirm the said by-laws of the said school board and of the said corporation and the said mortgage; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws and agreement confirmed.

1. The said by-laws of the Protestant Separate School Board of Penetanguishene and of the corporation of the town of Penetanguishene set forth in the schedule A, B and C to this Act, and the said agreement set forth in full in schedule D to this Act are hereby confirmed and declared legal, valid and binding for all purposes whatsoever.

SCHEDULE A.

BY-LAW NUMBER 8, OF THE PROTESTANT SEPARATE SCHOOL BOARD, OF THE TOWN OF PENETANGUISHENE.

To authorize the issue of debentures to the amount of $3,500 for the purpose of paying off indebtedness incurred in the erection and equipment of School House.

Whereas the Protestant Separate School Board of Penetanguishene (formerly known as Protestant Separate School No. 1, Tiny and Tay), have erected and equipped a building for school purposes in the town of Penetanguishene and in the course of said work, and to carry out the same it became necessary to borrow and raise money therefor, and the said school board did raise and borrow money therefor by mortgage upon their school premises, and the said school board is now being pressed to repay the money so raised and borrowed.

And whereas the sum of $3,500 is required to pay off the said indebtedness and liability of the said school board so incurred.

And whereas the amount of the rateable property in the said town of Penetanguishene assessed to the supporters of the said Protestant Separate School according to the last revised assessment roll being for the year 1896 is $263,400.

And whereas the said school board elect to make the principal of the said debt repayable by annual instalments during the period of twenty years from the first day of November, 1896, so that each of said instalments shall be of such an amount that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to that which is payable for principal and interest during each of the other years of such period.

And whereas the said Protestant Separate School Board and section has no existing debenture debt.

Be it therefore enacted by the Protestant Separate School Board, of Penetanguishene, and it is hereby enacted as follows :—

1. It shall be lawful for the chairman of the said Protestant Separate School Board, of Penetanguishene, for the purposes aforesaid to borrow the said sum of $3,500 and as security therefor to issue the debentures of the said Protestant Separate School Board to the amount of $3,500 in sums of not less than $100 each with interest at the rate of four per cent. per annum, payable in manner, for the amounts and at the times respectively set forth in the schedule to this by-law.

2. The said debentures as to principal and interest shall be issued for $258.50 each without coupons for interest, and be payable on the 1st day of November in each year during twenty years from the 1st day of November, A.D. 1896, and shall be payable at the Imperial Bank of Canada, Toronto.

3. It shall be lawful for the chairman of the said Protestant Separate School Board, and he is hereby authorized, to sign and issue the said debentures hereby authorized to be issued and to cause the same to be signed by the treasurer of the said board, and the secretary of the said board is hereby authorized and instructed to attach the seal of the said board to the said debentures.

4. That there shall be raised and levied in each year by special rate on all rateable property assessed to supporters of the Protestant Separate School in Penetanguishene the sum of $258.50, being a sufficient sum to discharge the several instalments of principal and interest accruing due on the said debt as the same become respectively payable according to the schedule to this by-law.

5. This by-law shall come into operation and take effect on the passing thereof.

J. J. BUCKLEY
Secretary.

C. BECK,
Chairman,

Dated at the town of Penetanguishene,
this 15th day of January, 1897.

Schedule to by-law No. 8, of the Protestant Separate School Board of Penetanguishene.

Amount required to be raised annually by special rate to pay principal and interest at the rate of four per cent. computed half-yearly is the sum of $258.50 as follows :—

	Principal.	Interest.	Total amount required.
1st Year	$117 10	$141 40	$258 50
2nd "	121 84	136 66	258 50
3rd "	126 76	131 74	258 50
4th "	131 87	126 63	258 50
5th "	137 18	121 32	258 50
6th "	142 68	115 82	258 50
7th "	148 50	110 00	258 50
8th "	154 48	104 02	258 50
9th "	160 65	97 85	258 50
10th "	167 20	91 30	258 50
11th "	174 00	84 50	258 50
12th "	181 00	77 50	258 50
13th "	188 32	70 18	258 50
14th "	195 88	62 62	258 50
15th "	203 85	54 65	258 50
16th "	212 05	46 45	258 50
17th "	220 65	37 85	258 50
18th "	229 50	29 00	258 50
19th "	238 89	19 61	258 50
20th "	247 60	10 90	258 50
	$3,500 00	$1,670 00	$5,170 00

SCHEDULE B.

BY-LAW NO. 9 OF THE PROTESTANT SEPARATE SCHOOL BOARD OF THE TOWN OF PENETANGUISHENE.

To authorize the chairman to execute an agreement and mortgage to the Corporation of the Town of Penetanguishene, as security for guaranteeing payment of debentures of the board.

Whereas the Protestant Separate School Board of Penetanguishene has passed a by-law for the issue of debentures for school purposes to the amount of $3,500, and to enable them the more readily to dispose of the said debentures, the said Board has requested the corporation of the town of Penetanguishene to endorse each of the said debentures with a guarantee of payment thereof, and the said corporation has consented to so endorse the said debentures and guarantee payment of the same upon being secured therefor, by mortgage upon the school premises of the said Protestant Separate School.

Be it therefore enacted by the Protestant Separate School Board of Penetanguishene, and it is hereby enacted, that it shall be lawful for the chairman of the Protestant Separate School Board of Penetanguishene, and he is hereby authorized to sign and execute on behalf of the said board and as their act and deed an agreement covenanting to pay off the said debentures as they mature due, and mortgaging to the said corporation as security against loss by reason of their guaranteeing payment of the said debentures, the school premises of the said Protestant Separate School, which said premises may be better known and described as lots numbers 1, 2, 3, 4 and 11 in block "H" on east side of Peel street, in

the town of Penetanguishene, as shown upon registered plan No. 319. And to cause the seal of the said Board to be affixed to the said agreement and mortgage.

This by-law shall come into force and effect immediately after the passing thereof.

J. J. BUCKLEY, Secretary. C. BECK, Chairman.

Dated at the town of Penetanguishene, this 15th day of January, 1897.

SCHEDULE C.

BY-LAW NO. 163 OF THE CORPORATION OF THE TOWN OF PENETANGUISHENE.

To guarantee certain debentures of the Protestant Separate School Board of Penetanguishene.

Whereas the Protestant Separate School Board of Penetanguishene have erected and equipped a certain building in the town of Penetanguishene for their school purposes and become indebted therefor ;

And, whereas, it will require the sum of $3,500 to pay off said indebtedness ;

And, whereas, the said Protestant Separate School Board have under authority of by-law number 8 of said board issued debentures for the said sum of $3,500 ;

And, whereas, the said board has applied to this corporation praying that this corporation should guarantee the payment of the said debentures so issued under the provisions of the said by-law and the coupons thereto attached ;

And, whereas, the said board has agreed to secure the said corporation against loss by reason of such guarantee by mortgage upon the said school premises ;

And, whereas, it is deemed expedient by this corporation to grant the request of the said Protestant Separate School Board ;

Therefore be it enacted and it is hereby enacted by the corporation of the town of Penetanguishene ;

1. That this corporation agrees to guarantee the payment of principal and interest of the said debentures so issued under and in pursuance of said by-law No. 8 of the Protestant Separate School Board of Penetanguishene entitled a by-law to authorize the issue of debentures to the amount of $3,500 for the purpose of paying off indebtedness incurred in the erection and equipment of school house.

2. The mayor and treasurer of this corporation are hereby authorized and directed to endorse on the back of each of said debentures the following words or to the like effect, "Payment of the within debenture is hereby guaranteed by the corporation of the town of Penetanguishene" and to sign the said endorsement in their respective official capacities and affix to each said endorsement the seal of this corporation.

3. That such endorsement so signed and sealed shall bind this corporation as guarantors of the said debentures

4. That nothing herein contained shall do away with or lessen the liability of the said Protestant Separate School Board to pay the said debentures and interest in the first instance or in any way interfere with the right of this corporation to recover from the Protestant Separate School Board any and all sums of money that they may pay or expend in consequence of guaranteeing the said debentures.

5. This by-law shall come into force and take effect immediately after the final passing thereof.

W. H. HEWSON, Clerk. Z. A. HALL, Mayor.

Dated at Penetanguishene, this 10th day of February A.D. 1897.

SCHEDULE D.

Memorandum of agreement made this 15th day of February, A.D. 1897, between the Protestant Separate School Board of Penetanguishene of the first part, and the corporation of the Town of Penetanguishene of the second part.

Wheeeas the parties of the first part have passed a by-law to issue debentures to the amount of $3,500 to pay off certain liabilities, and have requested the parties of the second part to guarantee the payment of the said debentures and have agreed to secure the said parties of the second part against loss by or through the said guarantee by mortgage upon the school premises of the parties of the first part ; and the parties of the second part have agreed to give the said guarantee upon being secured as aforesaid.

Now this agreement witnesseth that in consideration of the parties of the second part guaranteeing the payment of the said debentures, and of the sum of one dollar now paid them, the receipt whereof is hereby acknowledged, they the said parties of the first part do grant and mortgage unto the said parties of the second part their successors and assigns all and singular those certain parcels or tracts of land and premises situate, lying and being in the town of Penetanguishene in the county of Simcoe and Province of Ontario and being composed of lots numbers 1, 2, 3, 4 and 11 in block II. on the east side of Peel street in the said town as shewn upon registered plan No. 319.

Provided in case the said parties of the first part their successors and assigns pay the said debentures as the same mature due and keep and save the said parties of the second part free and clear from all loss, costs, charges and expense in connection with said debentures or in connection with the guarantee of the same by the parties of the second part then this mortgage to be void.

The said parties of the first part covenant with the said parties of the second part that they will pay off the said debentures as they mature due, and save the parties of the second part free and harmless from all loss and costs under and by virtue of the guarantee of payment made by the parties of the second part.

Provided that in default of payment of said debentures as they mature due, and in case the parties of the second part are called upon to pay the same, and do pay the same or any part thereof, then the parties of the second part may, on giving three months notice in writing enter on and lease or sell the said lands.

Provided that until defalut the parties of the first part shall have quiet possession of the said lands.

And the said parties of the first part covenant that they will insure the buildings on the said lands to their full insurable value.

And the said parties of the first part release to the parties of the second all their claim upon the said lands subject to the said proviso.

Provided that until default the parties of the first part shall have quiet possession of the said lands.

In witness whereof the parties hereto of the first part have hereunto set the hand of their chairman and their corporate seal

Signed, sealed and delivered
in the presence of

J. J. Buckley,
Secretary.

(Sgd.) C. Beck,
Chairman of Protestant Separate
School Board, Penetanguishene.

No. 46.

3rd Session, 8th Legislature, 60 Vict., 1897.

An Act respecting the Penetanguishene Protestant Separate School.

First Reading, 1897.

(Private Bill.)

Mr. MISCAMPBELL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 46.] **BILL.** [1897.

An Act respecting the Penetanguishene Protestant Separate School.

Preamble.

WHEREAS the corporation of the town of Penetanguishene and the Protestant Separate School Board of Penetanguishene have by their petition represented that the said Protestant Separate School Board have erected and equipped a school building in the said town for their school purposes and have become indebted therefor, and that it will require the sum of $3,500 to pay off said indebtedness, and that the said Protestant Separate School Board have passed a by-law for the issue of debentures for the said amount and that the said corporation have upon the request of the said school board and upon the said school board executing an agreement mortgaging their school premises as security therefor to the said corporation, passed a by-law guaranteeing payment of the said debentures; and whereas the said corporation and the said school board have by their said petition prayed that an Act may be passed to legalize and confirm the said by-laws of the said school board and of the said corporation and the said mortgage; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws and agreement confirmed.

1. The said by-laws of the Protestant Separate School Board of Penetanguishene and of the corporation of the town of Penetanguishene set forth in the schedule A, B and C to this Act, and the said agreement set forth in full in schedule D to this Act are hereby confirmed and declared legal, valid and binding for all purposes whatsoever

Certain ratepayers to be assessed for debenture debt.

2. Until the said debentures shall be fully paid off the property of the ratepayers assessed as supporters of the Protestant Separate School as shown upon the assessment roll of the Town of Penetanguishene for the year 1896 shall remain liable to be assessed for the rates required to be levied to pay the said debenture debt.

SCHEDULE A.

BY-LAW NUMBER 8, OF THE PROTESTANT SEPARATE SCHOOL BOARD, OF THE TOWN OF PENETANGUISHENE.

To authorize the issue of debentures to the amount of $3,500 for the purpose of paying off indebtedness incurred in the erection and equipment of School House.

Whereas the Protestant Separate School Board of Penetanguishene (formerly known as Protestant Separate School No. 1, Tiny and Tay), have erected and equipped a building for school purposes in the town of Penetanguishene and in the course of said work, and to carry out the same it became necessary to borrow and raise money therefor, and the said school board did raise and borrow money therefor by mortgage upon their school premises, and the said school board is now being pressed to repay the money so raised and borrowed.

And whereas the sum of $3,500 is required to pay off the said indebtedness and liability of the said school board so incurred.

And whereas the amount of the rateable property in the said town of Penetanguishene assessed to the supporters of the said Protestant Separate School according to the last revised assessment roll being for the year 1896 is $263,400.

And whereas the said school board elect to make the principal of the said debt repayable by annual instalments during the period of twenty years from the first day of November, 1896, so that each of said instalments shall be of such an amount that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to that which is payable for principal and interest during each of the other years of such period.

And whereas the said Protestant Separate School Board and section has no existing debenture debt.

Be it therefore enacted by the Protestant Separate School Board, of Penetanguishene, and it is hereby enacted as follows :—

1. It shall be lawful for the chairman of the said Protestant Separate School Board, of Penetanguishene, for the purposes aforesaid to borrow the said sum of $3,500 and as security therefor to issue the debentures of the said Protestant Separate School Board to the amount of $3,500 in sums of not less than $100 each with interest at the rate of four per cent. per annum, payable in manner, for the amounts and at the times respectively set forth in the schedule to this by-law.

2. The said debentures as to principal and interest shall be issued for $258.50 each without coupons for interest, and be payable on the 1st day of November in each year during twenty years from the 1st day of November, A.D. 1896, and shall be payable at the Imperial Bank of Canada, Toronto.

3. It shall be lawful for the chairman of the said Protestant Separate School Board, and he is hereby authorized, to sign and issue the said debentures hereby authorized to be issued and to cause the same to be signed by the treasurer of the said board, and the secretary of the said board is hereby authorized and instructed to attach the seal of the said board to the said debentures.

4. That there shall be raised and levied in each year by special rate on all rateable property assessed to supporters of the Protestant Separate School in Penetanguishene the sum of $258.50, being a sufficient sum to discharge the several instalments of principal and interest accruing due on the said debt as the same become respectively payable according to the schedule to this by-law.

5. This by-law shall come into operation and take effect on the passing thereof.

J. J. BUCKLEY
Secretary.

C. BECK,
Chairman.

Dated at the town of Penetanguishene,
this 15th day of January, 1897.

Schedule to by-law No. 8, of the Protestant Separate School Board of Penetanguishene.

Amount required to be raised annually by special rate to pay principal and interest at the rate of four per cent. computed half-yearly is the sum of $258.50 as follows :—

	Principal.	Interest.	Total amount required.
1st Year	$117 10	$141 40	$258 50
2nd "	121 84	136 66	258 50
3rd "	126 76	131 74	258 50
4th "	131 87	126 63	258 50
5th "	137 18	121 32	258 50
6th "	142 68	115 82	258 50
7th "	148 50	110 00	258 50
8th "	154 48	104 02	258 50
9th "	160 65	97 85	258 50
10th "	167 20	91 30	258 50
11th "	174 00	84 50	258 50
12th "	181 00	77 50	258 50
13th "	188 32	70 18	258 50
14th "	195 88	62 62	258 50
15th "	203 85	54 65	258 50
16th "	212 05	46 45	258 50
17th "	220 65	37 85	258 50
18th "	229 50	29 00	258 50
19th "	238 89	19 61	258 50
20th "	247 60	10 90	258 50
	$3,500 00	$1,670 00	$5,170 00

SCHEDULE B.

BY-LAW NO. 9 OF THE PROTESTANT SEPARATE SCHOOL BOARD OF THE TOWN OF PENETANGUISHENE.

To authorize the chairman to execute an agreement and mortgage to the Corporation of the Town of Penetanguishene, as security for guaranteeing payment of debentures of the board.

Whereas the Protestant Separate School Board of Penetanguishene has passed a by-law for the issue of debentures for school purposes to the amount of $3,500, and to enable them the more readily to dispose of the said debentures, the said Board has requested the corporation of the town of Penetanguishene to endorse each of the said debentures with a guar-

antee of payment thereof, and the said corporation has consented to so endorse the said debentures and guarantee payment of the same upon being secured therefor, by mortgage upon the school premises of the said Protestant Separate School.

Be it therefore enacted by the Protestant Separate School Board of Penetanguishene, and it is hereby enacted, that it shall be lawful for the chairman of the Protestant Separate School Board of Penetanguishene, and he is hereby authorized to sign and execute on behalf of the said board and as their act and deed an agreement covenanting to pay off the said debentures as they mature due, and mortgaging to the said corporation as security against loss by reason of their guaranteeing payment of the said debentures, the school premises of the said Protestant Separate School, which said premises may be better known and described as lots numbers 1, 2, 3, 4 and 11 in block "H" on east side of Peel street, in the town of Penetanguishene, as shown upon registered plan No. 319. And to cause the seal of the said Board to be affixed to the said agreement and mortgage.

This by-law shall come into force and effect immediately after the passing thereof.

J. J. BUCKLEY, Secretary. C. BECK, Chairman.

Dated at the town of Penetanguishene, this 15th day of January, 1897.

SCHEDULE C.

BY-LAW NO. 163 OF THE CORPORATION OF THE TOWN OF PENETANGUISHENE.

To guarantee certain debentures of the Protestant Separate School Board of Penetanguishene.

Whereas the Protestant Separate School Board of Penetanguishene have erected and equipped a certain building in the town of Penetanguishene for their school purposes and become indebted therefor ;

And, whereas, it will require the sum of $3,500 to pay off said indebtedness ;

And, whereas, the said Protestant Separate School Board have under authority of by-law number 8 of said board issued debentures for the said sum of $3,500 ;

And, whereas, the said board has applied to this corporation praying that this corporation should guarantee the payment of the said debentures so issued under the provisions of the said by-law and the coupons thereto attached ;

And, whereas, the said board has agreed to secure the said corporation against loss by reason of such guarantee by mortgage upon the said school premises ;

And, whereas, it is deemed expedient by this corporation to grant the request of the said Protestant Separate School Board ;

Therefore be it enacted and it is hereby enacted by the corporation of the town of Penetanguishene ;

1. That this corporation agrees to guarantee the payment of principal and interest of the said debentures so issued under and in pursuance of said by-law No. 8 of the Protestant Separate School Board of Penetanguishene entitled a by-law to authorize the issue of debentures to the amount of $3,500 for the purpose of paying off indebtedness incurred in the erection and equipment of school house.

2. The mayor and treasurer of this corporation are hereby authorized and directed to endorse on the back of each of said debentures the following words or to the like effect, "Payment of the within debenture is hereby guaranteed by the corporation of the town of Penetanguishene" and to sign the said endorsement in their respective official capacities and affix to each said endorsement the seal of this corporation.

3. That such endorsement so signed and sealed shall bind this corporation as guarantors of the said debentures.

4. That nothing herein contained shall do away with or lessen the liability of the said Protestant Separate School Board to pay the said debentures and interest in the first instance or in any way interfere with the right of this corporation to recover from the Protestant Separate School Board any and all sums of money that they may pay or expend in consequence of guaranteeing the said debentures.

5. This by-law shall come into force and take effect immediately after the final passing thereof.

W. H. HEWSON, Clerk. Z. A. HALL, Mayor.

Dated at Penetanguishene, this 10th day of February A.D. 1897.

SCHEDULE D.

Memorandum of agreement made this 15th day of February, A.D. 1897, between the Protestant Separate School Board of Penetanguishene of the first part, and the corporation of the Town of Penetanguishene of the second part.

Whereas the parties of the first part have passed a by-law to issue debentures to the amount of $3,500 to pay off certain liabilities, and have requested the parties of the second part to guarantee the payment of the said debentures and have agreed to secure the said parties of the second part against loss by or through the said guarantee by mortgage upon the school premises of the parties of the first part ; and the parties of the second part have agreed to give the said guarantee upon being secured as aforesaid.

Now this agreement witnesseth that in consideration of the parties of the second part guaranteeing the payment of the said debentures, and of the sum of one dollar now paid them, the receipt whereof is hereby acknowledged, they the said parties of the first part do grant and mortgage unto the said parties of the second part their successors and assigns all and singular those certain parcels or tracts of land and premises situate, lying and being in the town of Penetanguishene in the county of Simcoe and Province of Ontario and being composed of lots numbers 1, 2, 3, 4 and 11 in block II. on the east side of Peel street in the said town as shewn upon registered plan No. 319

Provided in case the said parties of the first part their successors and assigns pay the said debentures as the same mature due and keep and save the said parties of the second part free and clear from all loss, costs, charges and expense in connection with said debentures or in connection with the guarantee of the same by the parties of the second part then this mortgage to be void.

The said parties of the first part covenant with the said parties of the second part that they will pay off the said debentures as they mature due, and save the parties of the second part free and harmless from all loss and costs under and by virtue of the guarantee of payment made by the parties of the second part.

Provided that in default of payment of said debentures as they mature due, and in case the parties of the second part are called upon to pay the same, and do pay the same or any part thereof, then the parties of the second part may, on giving three months notice in writing enter on and lease or sell the said lands

Provided that until default the parties of the first part shall have quiet possession of the said lands.

And the said parties of the first part covenant that they will insure the buildings on the said lands to their full insurable value.

And the said parties of the first part release to the parties of the second all their claim upon the said lands subject to the said proviso.

Provided that until default the parties of the first part shall have quiet possession of the said lands.

In witness whereof the parties hereto of the first part have hereunto set the hand of their chairman and their corporate seal.

Signed, sealed and delivered
in the presence of

J. J. BUCKLEY,
Secretary.

(Sgd.) C. BECK,
Chairman of Protestant Separate
School Board, Penetanguishene.

No. 46.

3rd Session, 8th Legislature, 60 Vict., 1897.

An Act respecting the Penetanguishene Protestant Separate School.

First Reading, 4th March, 1897.

(Reprinted as amended by Private Bills Committee.)

Mr. MISCAMPBELL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 49.] **BILL.** [1897.

An Act to incorporate the Fort Francis and Pacific Railway Company.

Preamble. WHEREAS the persons hereinafter named have by their petition represented that it is desirable to incorporate the company to construct and operate a railway from a point on the Canadian Pacific Railway between Raleigh and Vermillion stations to Fort Francis on the Rainy river in this District of Algoma, and to equip and operate the same by steam or electricity, and if the latter, with power to sell surplus electric energy for light, heat and power and to supply miners with power to work their mines. Also with power to have and operate vessels on Rainy river and Lake of the Woods in connection with said railway; and whereas the company's proposed line of railway will for the most part run through an unsettled part of the Province and electricity may therefore be allowed as a motive power; and whereas all the provisions of *The Electric Railway Act, 1895*, are therefore not applicable to the company; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation. 1. Horace Thorne, James Pearson, William Parsons, Robert Home, Joseph Delamere, Abner Nelson, Edward Anderson Craig Pew and John Williamson Tait, all of the city of Toronto, in the County of York, and such other persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "Fort Francis and Pacific Railway Company" hereinafter called the "Company."

Head office. 2. The head office of the company shall be in the city of Toronto but the board of directors may establish one or more offices in Canada or elsewhere

Line of railway described.

3. The company may lay out, construct and operate a railway of the gauge of four feet eight and a half inches from a point on the Canadian Pacific Railway between Raleigh and Vermillion stations to Fort Francis on the Rainy river in the District of Algoma.

Provisional directors. Their powers,

4. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the company of whom the majority may be a quorum, and the said provisional directors shall hold office as such until the first election of directors under this Act, and may forthwith open stock books and procure subscriptions of stock for the undertaking and receive payments on account of stock subscribed and cause plans and surveys to be made and deposit in any chartered bank of Canada moneys received by them on account of stock subscribed which moneys shall not be withdrawn except for the purposes of the undertaking or upon the dissolution of the company through any cause whatever.

Moneys deposited to be withdrawn for certain purposes only.

Capital stock.

5 The capital stock of the company shall be $ divided into shares of $100 each and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this Act and for making the surveys, plans and estimates of the works hereby authorized and all the remainder of such money shall be applied to the making, equipping, completing and maintaining the said railway and for purposes of this Act.

First meeting of shareholders.

6. So soon as $1,000 of the said capital stock has been subscribed as aforesaid and ten per cent. thereof paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the company at the head office at such time and place as they think proper, giving at least fourteen days notice thereof in the *Ontario Gazette* and in one or more of the daily newspapers published in the city of Toronto, at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them, shall elect ten directors, and the shareholders possessing qualifications hereinafter mentioned and of whom the majority shall form a quorum and such directors shall hold office until the next annual general meeting of the shareholders as hereinafter provided.

Notice thereof.

Annual general meeting.

7. The annual general meeting of the shareholders for the election of directors and for general purposes shall be held on the first Wednesday in February in each year at the head office or elsewhere in Canada as may be appointed by by-law and notice of the hour and place of such meeting shall be given at least 14 days previous in the *Ontario Gazette* and in one or more daily newspapers in the city of Toronto.

8. At such annual meeting the subscribers for the capital stock who have paid all calls due on their shares shall choose 10 per cent. to be directors of the company and of whom a majority shall be a quorum, and one or more of whom may be paid directors of the company. Number of directors. Paid directors.

9. No person shall be elected a director of the company unless he is a shareholder holding at least twenty shares in the stock of the company and has paid up all calls made thereon and then due. Qualifications.

10.—(1) The directors of the company under the authority of the shareholders to them given at any special general meeting called for the purpose and in the manner hereinbefore mentioned attended by shareholders in person or represented by proxy who represent at least two-thirds in value of the subscribed stock of the company and have paid up all calls due thereon, may issue bonds signed by the president or other presiding officer and countersigned by the secretary which countersignature and the signature to the coupons attached to such bonds may be engraved and such bonds may be made payable at such times and in such manner and at such place or places in Canada or elsewhere and may bear such rate of interest as the directors may think proper. Issue of bonds.

(2) The directors may issue and sell or pledge all or any of the said bonds at the best price and upon the best terms and conditions which at the time they may be able to obtain for the purpose of raising money for prosecuting the said undertaking. Disposal of bonds.

(3) The amount of such bonds so issued, sold or pledged shall not exceed $15,000 per mile of the said railway to be issued in proportion of the length of railway constructed or under contract to be constructed. Amount limited.

11.—(1) The company may secure such bonds by a mortgage deed creating such mortgages, charges and encumbrances upon the whole of such property, assets, rents and revenues of the property present or future or both as are described in the said deed, but such rents and revenues shall be subject in the first instance to the payment of the working expenditure of the railway. Mortgage deed to secure bonds. Working expenditure.

(2) The company may grant to the holders of such bonds all the named in such deed and all and every the powers, rights and remedies granted by this Act in respect of the said bonds and all other powers, rights and remedies not inconsistent with this Act or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act as the case may be, and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the bondholders in manner and form as therein provided, Powers granted by deed. Validity of deed.

Registration of mortgage deed.

(3) Every such mortgage deed shall be deposited in the office of the Provincial Secretary of the Province of Ontario, of which deposit notice shall be given by the company in the *Ontario Gazette*.

Bonds to be preferential claim on the undertaking.

12.—(1) The bonds hereby authorized to be issued shall be taken and considered to be first preferential claim and charge upon the company and the franchise, undertaking, tools and income rents and revenues and real and personal property at any time acquired, save and except as provided for in the next preceding section.

Bondholder to be mortgagee.

(2) Each holder of the said bonds shall be deemed to be a mortgagee or encumbrancer upon the said securities pro rata with all other bondholders and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds or of the interest thereon except through the trustee or trustees appointed by or under such mortgage deed.

Powers of bondholders in case of non-payment.

13.—(1) If the company makes default in paying the principal or interest on any of the bonds hereby authorized at the time when same by the terms of the bond becomes due and payable, then at the said annual general meeting of the company and all subsequent meetings all holders of bonds so being and remaining in default shall in respect thereof have and possess the same rights and privileges and qualifications for being the elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid-up shares of the company to a corresponding amount.

Rights of bondholders.

(2) The rights given by this section shall not be exercised by any bondholders unless it is so provided by the mortgage deed nor unless the bond in respect to which he claims to exercise such rights has been registered in his name in the same manner as the bonds of the company are registered at least ten days before the time to exercise the right of voting thereon, and the company shall be bound on demand to register such bonds and thereafter any transfers thereof in the same manner as shares or transfers of shares.

Certain rights not affected.

(3) The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of such bonds ar entitled under the provisions of such mortgage deed.

Transfer of bonds.

14. All bonds hereby authorized may be made payable to bearer and shall in that case be transferable by delivery until registration thereof as hereinbefore provided and when so registered they shall be transferable by written transfers registered in the same manner as in the case of the transfer of shares.

No seal required.

15. The company may become party to promissory notes and bills of exchange for sums not less than $100, and every such

note or bill made, drawn, accepted or endorsed by the president or vice-president of the company, and every such note or bill of exchange so made, drawn, accepted or endorsed, shall be presumed to have been made, drawn, accepted and endorsed by proper authority until the contrary is shewn, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible for the same unless such promissory note or bill has been issued without proper authority, but nothing in this section shall be considered to authorize the company to issue any note or bill payable to bearer, or intended to be circulated as a money or as the note or bill of a bank.

Notes not to be payable to bearer.

16. The company may receive in aid of the construction of the railway, or any part thereof, from the Government or Legislature of Ontario, or from any person or body corporate, municipal or politic, having power to grant the same any bonus of money, or debenture or other benefit of any sort, either with or without conditions, and may enter into an agreement for the carrying out of any such conditions with respect thereof.

Grants and aid may be received.

17. The directors of the company may make and issue paid-up stock or shares in the company, whether subscribed for or not, and may allot such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers, and such issue and allotment of stock shall be binding on the company, and such stock shall not be assessable for calls.

Paid up stock may be issued in certain cases.

18. The company is authorized and empowered to make necessary arrangements to construct and agree with the Canadian Pacific Railway Company for amalgamation with the said Canadian Pacific Railway Company; Provided that the terms of such amalgamation are proved valid by two-thirds in value of the shareholders voting, either in person or represented by proxy, at the special general meeting to be called for that purpose in accordance with this Act.

Amalgamation with other companies.

19. The company may also construct a telephone line and electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting said telephone and telegraph lines, the powers conferred upon telegraph companies by the *Act respecting Telegraph Companies* (being chapter 158 of the Revised Statutes of Ontario, 1887) are hereby conferred upon the company.

Telegraph and telephone lines.

20. The company may also contract for, purchase, obtain lease and operate vessels worked by steam or otherwise, to run in connection with the railway.

May operate vessels.

21. The railway should be commenced within two years and be completed within five years from the passing of this Act, otherwise the powers hereby granted shall cease and be null and void as respects so much of the railway which then remains uncompleted.

Limitation.

No. 49.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to incorporate the Fort Francis and Pacific Railway Company.

First Reading, th February, 1897.

(Private Bill.)

Mr. FARWELL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 49.] **BILL.** [1897.

An Act to incorporate the Fort Francis and Pacific Railway Company.

Preamble. WHEREAS Horace Thorne, James Pearson, William Parsons, Robert Home Joseph M. Delamere, Abner Nelson, Edward Anderson Craig Pew and John Williamson Tait, all of the city of Toronto, in the county of York, have by their petition prayed for an Act of incorporation under the name of "The Fort Francis and Pacific Railway Company," for the purpose of constructing, maintaining and operating a steam railway from a point on the Canadian Pacific Railway, between Raleigh and Vermillion Stations, to Fort Francis on the Rainy River, in the District of Algoma, and with power to have and operate vessels on Rainy River and Lake-of-the Woods in connection with said railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation. **1**. Horace Thorne, James Pearson, William Parsons, Robert Home, Joseph M. Delamere, Abner Nelson, Edward Anderson Craig Pew, John Williamson Tait, and Edwin Taylour English, all of the City of Toronto, in the County of York, and such other persons and corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of "The Fort Francis and Pacific Railway Company," hereinafter called the "company."

Location of line. **2**. The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate a steam railway with double or single iron or steel tracks, from a point on the Canadian Pacific Railway between Raleigh and Vermillion stations to Fort Francis, on Rainy River, in the District of Algoma.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional directors.

4. The said Horace Thorne, James Pearson, William Parsons, Robert Home, Joseph M. Delamere, Abner Nelson, Edward Anderson Craig Pew, John Williamson Tait and Edwin Taylour, English, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of provisional directors.

5. The said board of provisional directors shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway; and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock, who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of Toronto, in the County of York, or at such other place as may best suit the interest of the said company.

Rev. Stat. c. 170.

Conveyances of land to company.

6. Conveyance of lands to the said company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents

for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

Subscriptions for stock when binding.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to railway.

8. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Capital stock.

Rev. Stat., c. 170.

9. The capital stock of the company hereby incorporated shall be $700,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into seven thousand shares of $100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to, the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act: and until such preliminary expenses shall be paid out of such capital stock the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

First election of directors.

10. When as soon as shares to the amount of $70,000 of capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette*

and in at least one newspaper published in the said City of Toronto of the time, place and purpose of the said meeting.

Number of directors and quorum.

11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat., c. 170.

Qualification of directors.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Power to construct line in sections.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same, as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit, as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act* and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act* and the amendments thereof with respect to "plans and surveys."

Rights of aliens.

14. Aliens, and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in

this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.

Issue of debentures

15. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

16. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Fort Francis and Pacific Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of $500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

17. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Issue of bonds.

18. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of $15,000 for each mile of the said railway, and the provisions of subsection 20, 21, 22, 23 and 24 of section 9, of *The Railway Act of Ontario*, as said section is amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty Queen Victoria, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said subsections.

Bond, etc., how payable

19. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Transfer of bonds.

20. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than $100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Negotiable instruments.

Mortgaging or pledging bonds.

21. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Agreements with other companies for leasing or hiring rolling stock.

22. It shall be lawful for the directors of the company to enter upon an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be

agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting co npanies, of the locomotives, carriages, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

Telegraph and telephone lines.

23. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the said company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the said company.

Calls on stock.

24. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as hereinafter provided in section 27 of this Act.

Power to hold additional property.

25. The said company shall have full power to purchase land for, and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite, from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Payments in stock or bonds.

26. The provisional directors, or the elected directors, may pay, or agree to pay, in paid up stock or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Head office. General Annual meeting.

27. The head office of the said company shall be at the said City of Toronto, and the general annual meeting of the shareholders of the said company shall be held in such place in the said City of Toronto, on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the said City of Toronto during the four weeks immediately preceding the week in which such meeting is to take place.

Special general meetings.

28. Special general meetings of the shareholders of the said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Aid from municipalities

29. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the said company shall pass or be situate, may aid the said company, by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be), in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways.

Submitting bonus by-laws.

30. Such by-law shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely:

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves; or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1892*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section

by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

31. Such by-law shall in each instance provide: By-law what to contain.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases, respectively.

32. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Comissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof, therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county as the arbitrators may order. Petition against aid from county.

33. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county municipality. "Minor municipality," meaning of.

Deposit to be made before by-law is submitted.

34. Before any such by-law is submitted, the railway company, shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Council to pass by-law if assented to by ratepayers.

35. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

36. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.

Levying rates on portion of municipality.

37. In case any such loan, guarantee, or bonus, be so granted by a portion of a towhship municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of provisions of 55 V. c. 42.

38. The provisions of *The Consolidated Municipal Act, 1892* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Councils may extend time for commencement.

39. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

Councils may extend time for completion.

40. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time provided that no such extension shall be for a longer period than one year at a time.

Extent of aid from municipalities.

41. Any municipality, or portion of a township municipality, interested in the construction of the road of the said company, may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed

by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, then three cents in the dollar upon the value of the ratable property therein.

By-laws granting exemption from taxation.

42. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Gifts of lands.

43. Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the said company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Power to purchase whole lots.

44. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c. 170.

Acquiring material for construction.

45. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tendor of the compensation, shall have the same

effect as in case of arbitration for the roadway: and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat. c. 170.

Sidings to gravel pits.

46.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway,

Rev. Stat. c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Arrangements with other companies.

47. The said company shall have power to agree for connections and make running arrangements with the Canadian Pacific Railway Company, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with the said railway company, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or lease or hiring any locomotives, tenders, plant or rolling stock or other property or of any part thereof or touching any service to be rendered by the one company to the other and the compensation thereof, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and

binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway, may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Transfer of shares.

48. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Payment of back charges on goods.

49. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Contracts for construction and equipment.

50. The directors of the said company may enter into a contract or contracts with any individual or association of individuals for the construtction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in the whole or in part, either in cash or bonds; provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

Incorporation of provisions of Rev. Stat., c. 170.

51. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in ammendment thereof so incorporated with this Act.

Commencement and completion of line.

52. The railway shall be commenced within three years and finally completed within five years after the passing of this Act.

SCHEDULE A.

(*Section 6.*)

Know all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by The Fort Francis and Pacific Raliway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Fort Francis and Pacific Railway Company, their successors and assigns for ever (*here insert any other clauses, covenants and conditions required*), and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered in the presence of } [L S.]

SCHEDULE B.

(*Section 16.*)

CHIEF ENGINEER'S CERTIFICATE.

The Fort Francis and Pacific Railway Company's Office.
No. A.D. 18

ENGINEER'S DEPARTMENT.

Certificate to be attached to cheques drawn on The Fort Francis and Pacific Railway Company Municipal Trust Account given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign :

I, A. B., Chief Engineer of The Fort Francis and Pacific Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. , of the township of (*or* under the agreement dated the day of 18 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled*).

No. 49.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to incorporate The Fort Francis and Pacific Railway Company.

First Reading, 9th March, 1897.

(Reprinted as amended by the Railway Committee.)

Mr. FARWELL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 50.] BILL. [1897.

An Act respecting the Directors of the County of Carleton General Protestant Hospital.

Preamble.

WHEREAS, The Directors of the County of Carleton General Hospital have by their petition represented that it is desirable and necessary in the interests of the said corporation to change the constitution of the board of directors thereof, and to reduce the number of such directors, and have prayed that the Act incorporating the said corporation and the Acts amending same may be amended in the manner hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

14 and 15 V. c. 33, s. 3, repealed.

1. Section 3, of chapter 33, of the Acts of the late Province of Canada, passed in the 14th and 15th years of Her Majesty's reign, intituled *An Act to incorporate the County of Carleton General Protestant Hospital*, and section 7, of chapter 89, of the Acts of the Legislative Assembly of the Province of Ontario passed in the 48th year of Her Majesty's reign amending the said Act are hereby repealed except as to any act, matter or thing heretofore done thereunder, and the following enacted in lieu thereof:—

48 V. c 89, s. 7, repealed.

Qualification of member.

3.—(*a*) All persons over 21 years of age who shall annually subscribe and pay the sum of five dollars or any greater sum to "The Directors of the County of Carleton General Protestant Hospital," for the purposes of the hospital of said corporation shall be members of the said corporation and

shall be entitled to vote at the election of directors of the said corporation as hereinafter provided, but subject, however, to the rules and by-laws which may be passed in that behalf by the directors.

Annual meeting and election of directors.

(*b*) An annual meeting of the said members shall be held on the first Tuesday in October in each year hereafter for the election of twelve directors from amongst themselves, notice to that effect having been first given for ten days previously by the secretary of the said corporation in a newspaper published in the city of Ottawa, setting forth the day, hour, place and object of the said meeting, but if from any cause the annual election of directors should not take place at the time appointed, such meeting and election shall be held at such other time and place as the directors for the time being of the said corporation may by by-law appoint but not later, if possible, than one month after the time herein mentioned.

Tenure of office.

(*c*) The directors so elected shall hold office till the first Tuesday in the month of October following the date of their election or until their successors are elected, and the said directors shall have full and absolute control and management of all the property, affairs and business of the said corporation, and shall be deemed the board of management thereof. Seven of the said directors shall form a quorum for the dispatch of business.

Quorum.

Filling vacancy.

(*d*) In case any vacancy shall occur by the death, resignation or removal from the Province of any of the said directors before the expiry of his term of office, the remaining directors shall thereupon appoint from amongst the eligible members of said corporation another director for the unexpired period of such term.

Incorporation.

(*e*) The said members and directors for the time being are and shall continue to be constituted the said corporation, known as "The Directors of the County of Carleton General Protestant Hospital," but the present elected directors and life directors shall hold office up to the first Tuesday in October next or until the successors to the present directors are elected as hereinbefore provided.

14 and 15 V. c. 33, ss. 1, 2, 7, 8, amended.

(*f*) Sections 1, 2, 7 and 8, of said chapter 33 are hereby amended by striking out the words "being Protestant" in said section 1 and by striking out the whole of the proviso to said section 2 and by substituting the word "directors" for the word "trustees" wherever the said latter word appears in sections 7 and 8 of said chapter 33.

14 and 15 V. c. 33, s. 4, repealed.

(*g*) Section 4 of the said Act, passed in the 14th and 15th years of Her Majesty's reign, chaptered 33, is hereby repealed and the following substituted in lieu thereof:—

"4. And be it enacted that the said directors shall at their first meeting choose from among themselves a presi-

dent, and vice-president, and a treasurer, who shall respectively remain in office for the period during which they shall be entitled to remain in office as directors; Provided always that any such president, vice-president or treasurer shall be eligible for re-election at the expiration of his term of office; provided, also, that the said treasurer may be removed before the expiration of his term of office by the votes of a majority of the said directors for misconduct or the unsatisfactory discharge of his duties.

Proviso.

Proviso.

No. 50.

3rd Session, 8th Legislature, 60 Vict., 1897

BILL.

An Act respecting The Directors of the County of Carleton General Protestant Hospital.

First Reading, 1897.

(Private Bill.)

Mr. O'KEEFE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 51.] **BILL.** [1897.

An Act respecting the Manitoulin and North Shore Railway Company.

Preamble.

WHEREAS by an Act of the Legislature of the Province of Ontario passed in the fifty-first year of Her Majesty's reign and chaptered 70, the Manitoulin and North Shore Railway Company was incorporated; and whereas by an Act of the said Legislature passed in the fifth-fourth year of Her Majesty's reign and chaptered 87, the said first-mentioned Act was amended; and whereas by section 2 of the said last-mentioned Act it was enacted that the said railway should be commenced within three years and completed within six years from the 23rd day of March, 1891; and whereas by a certain other Act of the said Legislature passed in the fifty-seventh year of Her Majesty's reign, and chaptered 90, the said Act was further amended and by section three thereof it was enacted that the said railway should be commenced within three years and completed within six years from the 23rd day of March, 1894; and whereas the said Company have prayed that the time for the commencement and completion of the said railway may be further extended and that the northern terminus of the said railway may be changed from a point on the north shore of lake Huron, in the district of Algoma, on the line of the Canadian Pacific or Grand Trunk railway at or near their intersection with the Spanish river, in the township of Nairn, in the district of Algoma, to a point on the Algoma branch of the Canadian Pacific Railway at or near Stanley, in the township of Baldwin, in the said district of Algoma; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

51 V. c. 70, s. 2, amended.

1. Section 2 of the Act passed in the fifty-first year of Her Majesty's reign, chaptered 70, is hereby amended by striking out the words "Canadian Pacific or Grand Trunk railways at or near their intersection with the Spanish river, in the township of Nairn," where the same occur in the seventh and eighth lines thereof and substituting therefor the word "Algoma branch of the Canadian Pacific Railway at or near Stanley, in the township of Baldwin."

Location of line.

Time for commencement and completion of line.

2. The time for commencing the construction of the said railway is extended for a period of two years from the 23rd day of March, 1897, and the time for the completion thereof for four years from the said date.

No. 51.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Manitoulin and North Shore Railway Company.

First Reading, , 1897.

(Private Bill.)

Mr. CLELAND.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 52.] **BILL.** [1897.

An Act respecting the Georgian Bay Ship Canal and and Power Aqueduct Company.

Preamble.

WHEREAS The Georgian Bay Ship Canal and Power Aqueduct Company hereinafter called "the Company" was incorporated by the Act passed by the Legislature of Ontario in the 57th year of Her Majesty's reign, chaptered 97, which said Act was amended by an Act passed in the 58th year of Her Majesty's reign, chaptered 117; and both of said Acts were amended by an Act passed in the 59th year of Her Majesty's reign, chaptered 111; and whereasit is expedient to embody in one Act all such provisions of the said several Acts as should be retained in force and whereas the company has prayed for such consolidation and that certain other powers as hereinafter set forth be conferred upon it; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Organization of company and directorate confirmed.

1. The Company as now organized and constituted under the said Acts, is hereby declared to be a body corporate and politic, and the present board of directors, namely,

and shall continue to be the board of directors of the company until legally replaced by others duly elected or appointed in their stead.

Repeal of former Acts.

2. This Act shall be substituted for the said Acts, 57 Victoria, chapter 97, 58 Victoria, chapter 117 and 59 Victoria, chapter 111, which are hereby repealed; provided that noth-

ing in this section shall affect anything done or any right or privilege acquired or any liability incurred under the said Acts at the time of the passing of this Act, to all of which rights and privileges the company shall continue to be entitled, and to all of which liabilities the company shall continue to be subject.

Rights of company and others preserved.

Powers of company.

3. The company may

Construction of ship canal.

(*a*) Lay out, construct, equip, maintain and operate from a point on Lake Ontario, via the Humber River or some portion of it to some point on the Georgian Bay, a ship canal for the purpose of conveying vessels, barges and other water craft and their passengers and cargoes to and from the upper lakes and Lake Ontario;

Construction of power aqueduct.

(*b*) Lay out, construct, equip, maintain and operate a power aqueduct from a point on Lake Ontario via the Humber River or some portion of it to some point on the Georgian Bay or Lake Simcoe, or either of them, or any intermediate point or points, and by the waters conveyed by the said aqueduct or any branch thereof or the said ship canal, or all of them to generate or develop electricity or electric energy, and to sell or otherwise dispose thereof for heat, light, power and other purposes, and to supply municipalities and the inhabitants thereof with water for domestic use, fire protection and other purposes upon such terms and conditions as may be agreed upon;

Don branch of aqueduct.

(*c*) Construct, equip, maintain and operate a branch of the said aqueduct from Lake Ontario to some point of the main aqueduct in the Township of Vaughan or in the Township of King, via the river Don, or any of its tributaries;

Mains for supplying municipalities with water.

(*d*) Construct, lay down and operate a line or lines of mains, pipes, tunnels, viaducts or other conductors of water from any spring, stream, river, lake or other source or sources of water supply in the counties of York and Simcoe, or in any adjoining county or district, for the purpose of supplying municipalities or the inhabitants thereof as aforesaid or for other purposes;

Company may charge tolls.

(*e*) Charge and collect such tolls or rates from all persons, firms and corporations using the said canal or any other works authorized by this Act or the production of such works as to the company may seem meet;

Taking lands.

(*f*) From time to time, and at such times hereafter as they shall see fit, enter into and upon the lands of any person or persons, bodies politic or corporate,

and survey, set out and ascertain such parts thereof as they may require for purposes of the undertaking or any branch or feeder thereof, or upon which to build, construct, erect, open or lay down locks, hydraulic lifts, elevators, wharves, piers, docks, dock walls, embankments, retaining walls, gates, water pipes, sluices, viaducts, tunnels reservoirs and such other works as may be necessary for the undertaking and approaches thereto; or for any other purposes authorized by this Act, and also to divert and appropriate any spring, stream, river, lake or other source or sources of water supply as they shall judge suitable and proper; and to contract with the owners or occupiers of such lands and those having an interest or right in such waters for the purchase thereof, or of any part thereof, or of any privilege that may be required for the purposes of the undertaking; and in case of any disagreement between the company and the owners or occupiers of such lands, or any person having an interest in the said water or the natural flow thereof or any such privilege as aforesaid respecting the amount of purchase or value thereof, or as to the damage such appropriation shall cause to them, or otherwise, the same shall be decided by arbitration as hereinafter provided;

Diverting waters.

(*g*) Receive, hold and take all voluntary grants and donations of land or other property made to it, to aid in construction, maintenance and operation of the undertaking, but the same shall be held and used for the purpose of such grants or donations only;

Receiving gifts of land and other property.

(*h*) Purchase, hold and take of any corporation or person any land or other property necessary for the construction, maintenance, accommodation and use of the ship canal or the power aqueduct or either of them, and also to alienate, sell or dispose of the same;

Purchasing and disposing of lands.

(*i*) Acquire marsh and other lands adjoining or adjacent to the said ship canal and power aqueduct, or either of them, for the purpose of reclaiming or improving such lands, and after such lands shall have been so reclaimed or improved to sell, lease, convey or otherwise alienate or dispose of any part or parts thereof;

Acquiring, improving and selling lands.

(*j*) Purchase shares in the capital stock of any other company selling and distributing, or authorized to sell and distribute, electricity for heat, light, power or other purposes, where the company is authorized to exercise similar powers;

Purchasing shares in other companies.

Acquiring property of other companies.

(*k*) Acquire by purchase, lease or otherwise, all or any of the real and personal property of any company authorized to sell and distribute electricity for heat, light, power or other purposes where the company is authorized to exercise similar powers;

Fish hatcheries.

(*l*) Establish hatcheries for the propagation of fish with which to stock any of the waters of the company;

Fishing privileges.

(*m*) Lease or sell fishing and boating privileges on any of the waters of the company;

Harvesting and selling ice.

(*n*) Harvest or sell or authorize others to harvest and sell ice that may form upon any of the waters of the company;

Construction of ponds, basins, docks, etc.

(*o*) Open, cut and erect such ponds and basins for the lying up and turning of vessels, boats or rafts using the said canal, and at such portions of the navigation as they shall deem expedient, and they may also build and erect such dry docks, slips and machinery connected therewith for the hauling out and repairing of vessels as they shall think proper, and may let the same on such terms as they shall deem expedient, or carry on the business of the same by their servants or agents, as the company shall decide from time to time;

Telephone and telegraph lines.

(*p*) Construct a telephone and telegraph line or lines, or both, in connection with, but for the purposes only of operating the works authorized by this Act;

Constructing necessary works.

(*q*) Construct, erect and make all other matters and things necessary and convenient for the making, extending and using of the works authorized by this Act, in pursuance of and according to the meaning and intent of this Act;

(*r*) Receive money and other grants from the Parliament of Canada for the purposes of the company's undertakings, and exercise any and all powers, rights and privileges that may be conferred upon the company by the said Parliament.

Application of Rev. Stat. c. 156.

4. *The Ontario Joint Stock Companies' General Clauses Act* shall in so far only as it is applicable and not inconsistent with or repugnant to any of the provisions of this Act, apply to the company and the undertaking.

(*a*) Sections 10, 13, 14, 15, 16, 17, 18, 19 and 20 of *The Railway Act of Ontario*, in so far as they are applicable and not inconsistent with or repugnant to any of the provisions of this Act, shall apply to the company and the undertaking.

(*b*) Wherever in said sections of *The Railway Act of Ontario* the word "Conpany" occurs it shall, for the purposes of this Act, mean The Georgian Bay Ship Canal and Power Aqueduct

Company and whenever in *The Railway Act* the word "railway" occurs, it shall, unless the context otherwise requires, in so far as it applies to the provisions of this Act or the Company mean the undertaking.

(*c*) All of the provisions of *The Municipal Arbitrations Act*, being chapter 43, of 58 Victoria, and amending Acts, shall, in so far as they are applicable, apply to the company and the undertaking and as between the company and persons, firms, trustees, corporations and others from whom the company require to take lands for any purpose under this Act the official arbitrator for the city of Toronto, or such other person as may be appointed for that purpose by the Lieutenant-Governor in Council, shall be the official arbitrator for the purpose of determining all matters in dispute which under this Act would be the subject of arbitration.

(*d*) Notwithstanding anything contained in any section of the said *Railway Act*, all claims and questions which by this Act or by the said sections of *The Railway Act of Ontario*, are to be decided by the award of one or more arbitrators shall be heard and determined by the "Official Arbitrator" appointed in puruance of *The Municipal Arbitrations Act* and said last mentioned Act shall for the purpose of the company be incorporated with and be deemed to be part of this Act, and the provisions of any section of said *Railway Act* in so far as the same are inconsistent with or repugnant to the provisions of *The Municipal Arbitrations Act* shall not apply to the company or to the undertaking.

(*e*) Section 29 and subsection 2 of section 34 of *The Consolidated Assessment Act, 1892*, shall apply to this Act and to the company. Application of 55 V. c. 48, s. 29, and s. 34, sub. s. 2.

5. The arbitrator or arbitrators may direct that the company give compensation water or electric power in lieu of cash to any person, firm or corporation, in actual use of any water power that may be damaged or injuriously affected by the diversion of any waters by the company. Compensation waters.

6. The company on the one part and the council of the corporation of any municipality or municipalities within a practicable distance of the company's works on the other part may enter into and carry into effect any agreement or agreements for a supply of electric heat, light and power and water, or any of them, as the circumstances of the case may require, upon such terms as may be agreed upon by and between the company and any such council. Agreements with municipalities for supplying light etc., and water.

(*a*) The company and any such council may also enter into an agreement or agreements authorizing the company to use the streets, avenues, lanes, parks, roadways, road allowances, and other public places of such municipality for the distribu-

tion of electric energy for heat, light, power and other purposes, upon such terms as may be agreed upon by and between the company and any such council.

(*b*) Such agreement or agreements may be for a term or terms of years or of indefinite duration, and if no term or terms of years be fixed for the expiration thereof by such agreement or agreements, it shall be deemed to be of indefinite duration but no agreement of indefinite duration shall confer upon the company any exclusive right or privilege.

(*c*) For the purposes of supplying any municipality or municipalities or the inhabitants thereof with water and electric heat, light or power, or any of them, the company may, with the approval of the Lieutenant-Governor in Council, erect, construct, lay down and operate overhead or underground wires, mains, conduits, or other conductors of water or electric heat, light and power, through any other municipality; or the company may erect, construct, lay down and operate such overhead or underground wires, mains, conduits, or other conductors of water or electric heat, light or power, or any of them, through any such other municipality after first having received the consent of the council thereof.

Filling vacancies on Board of Directors.

7.—(1) In case of the death, absence or resignation of any of the directors, others may, unless otherwise prescribed by the by-laws, be appointed in their stead by the surviving directors; but if such appointment is not made, such death, absence or resignation shall not invalidate the acts of a quorum or of a majority of the remaining directors.

(*a*) The directors shall, at their first or at some other meeting after the election, elect one of their number to be the president of the company, who shall always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, or until another president has been elected in his stead; and they may in like manner, elect one or more vice-presidents, one of whom shall act as chairman in the absence of the president.

(*b*) The directors, at any meeting at which not less than a quorum are present, shall be competent to use and exercise all and any of the powers vested in the directors.

(*c*) The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors.

(*d*) No director shall have more than one vote except the chairman, who shall, in case of a division of equal members, have the casting vote.

(*e*) In case of the death, absence or incapacity of the president, the vice-president shall have all the rights and powers of the president and may sign all notes, bills, debentures and other

instruments, and perform all acts which, by the regulations and by-laws of the company, or by this Act, are required to be signed, performed and done by the president, but if there be more than one vice-president, the first vice-president shall, if present, act as president in case of the death, absence or incapacity of the president. In case of the death, absence or incapacity of the president and the first vice-president, the duties of president shall devolve upon the second or third vice-president in their numerical order, or upon any director appointed by the board to act as president.

(*f*) The directors may, at any meeting of directors, require the secretary to enter such death, absence or incapacity among the proceedings of such meeting; and a certificate thereof, signed by the secretary, shall be delivered to any person requiring the same, on payment to the treasurer of one dollar, and such certificate shall be taken and considered as *prima facie* evidence of such death, absence or incapacity, at and during the period in the said certificate mentioned in all proceedings in courts of justices or otherwise.

Rights of aliens.

(*g*) Aliens as well as British subjects whether residents in Canada or elsewhere, may be shareholders in the company and all of such shareholders shall be entitled to vote on their shares equally with British subjects and shall be also eligible to hold office as directors or otherwise in the company and in all other ways shall enjoy all the rights and privileges of shareholders as they could do if British subjects.

(*h*) Upon the directors at any time passing a resolution declaring that in the opinion of the Board a new election of directors would be expedient, desirable and in the interest of the company, a special meeting of the shareholders shall be convened and held within ten days from the date of the passing of such resolution and a written or printed notice mailed or delivered to the last known address of each shareholder at least two clear days before the date of such meeting, or the publication thereof in one issue of the *Ontario Gazette* and once in one newspaper published in the city of Toronto, shall be sufficient notice thereof. The shareholders shall at such meeting proceed to elect a new board of directors, any and all members of the old board being eligible for re-election if otherwise qualified; and the board that passed the resolution shall remain in office until the new board shall have been elected; and upon the election of the new board the old board shall thereupon cease to exist.

(*i*) Any board of directors elected pursuant to the provisions of the last preceding subsection shall remain in office only until the next annual general meeting of the shareholders, or in case of there being no election at the annual general meeting, then until their successors have been duly elected, unless such board be sooner dissolved by resolution as provided by the last preceding subsection.

Shareholders by-laws.

8. The shareholders may make any by-law or by-laws that the company may lawfully make, and no by-law enacted and passed by the shareholders, shall be subject to repeal or amendment except by the shareholders.

(*a*) Any by-law enacted by the shareholders shall have precedence and shall prevail over and against any by-law inconsistent therewith which has been or that may be enacted by the directors.

(*d*) Nothing in this section contained shall be taken or constructed to mean that the power of the directors to enact, repeal, re-enact or amend any and all by-laws that the company may lawfully make is in any way lessened or abridged except in so far as this section expressly provides.

(*e*) The directors shall be subject to the examination and control of the shareholders at their annual or other meetings, and shall be subject to all by-laws of the Company, and to the orders and directions from time to time made or given at the annual or special meetings; but such orders and directions shall not be contrary to any express directions or provisions of this Act.

Certain payments may be made in paid-up stock or bonds.

9. The directors may pay in paid-up stock or in the bonds of the company, or in both, such sums as they may deem expedient to engineers or others for plans, surveys, right of way, plant or material.

Contracts for construction.

(*a*) The directors of the company may from time to time enter into a contract or contracts with any individual or association of individuals, or body corporate, for the construction or equipment of the undertaking or any part or parts thereof including or excluding the purchase of all necessary lands, such contract or contracts may provide that the company may pay therefor either in the whole or in part, either in cash or bonds or in paid-up stock of the company, and the directors may from time to time pay any part of such cash, paid-up stock or bonds of the company in advance on account of any such contract or contracts.

Capital stock.

10. The amount of the capital stock of the company shall be $42,000,000.

(*a*) The number of shares shall be 420,000 and the amount of each share shall be $100.

Preferred stock.

(*b*) One hundred and twenty thousand of the said shares shall be preferred stock, and three hundred thousand shares shall be common stock, and no dividend shall be paid on the latter in any year until a dividend of at least four per cent. shall have been paid or declared in favor of the former for such year.

Redemption and cancellation of preferre stock.

(*c*) The company may from time to time redeem or buy in for cancellation any or all of the preferred stock, without the consent of the owners or holders thereof, upon re-payment of the amount paid or accredited thereon, together with all unpaid dividends that may have been declared thereon.

11. In procuring subscriptions for stock, or in selling forfeited or other stock, the directors may allot such stock in such amounts, and subject to the payment of such calls of each amount at such times and at such discount as they think fit, or they may agree for the sale of such stock, or any part thereof, at such price as they think fit and for payment of the price at the time of subscription or by instalments. Any amount as and when payable under this section shall be deemed to be money due by a shareholder in respect of a call on shares. **Allotment of stock.**

(*a*) Any electric lighting, heating or power company, or any land, loan, insurance or other investment company or society, having an office in the city of Toronto or the county of York, and subject to the legislative authority of this Province, may from time to time invest any portion of its funds in the purchase of the shares in the capital stock or in the bonds, debentures or other securities of the company, or advance money to the company, notwithstanding any provision contained in any Act or Letters Patent or other charter incorporating any such company, or any amendment thereto.

12. When shares have been issued and delivered as fully paid-up shares, and when the Company has certified under its corporate seal that the person, firm or corporation named in such certificate is the holder of such shares, the shares referred to as being so held shall be deemed to be fully paid-up shares and non-assessable, and the holder or holders of such shares shall not be liable to the Company, or the creditors of the Company in any way whatsoever in respect of such shares.

(*a*) The company may receive a surrender of all or any of the shares held by any shareholder, and upon such surrender being made in writing in such form and manner as the directors may from time to time approve, the company may from time to time re-issue such surrendered shares or any portion thereof to whomsoever or to the order of whomsoever the party surrendering the same may in writing designate or appoint, and the person accepting such shares shall have and possess the same rights and privileges and be subject to the same liabilities as if such shares had been transferred in the company's books by the holder thereof and accepted by the transferee.

13. Any paid-up stock that has been or that may be issued pursuant to any of the provisions of this Act shall, to the full extent of such issue or issues, be deemed to be part of the paid-up capital of the company. **Paid-up capital.**

14. The directors may borrow from time to time, either in this province or elsewhere, upon the credit of the company, such sum or sums of money as may be deemed expedient for completing, maintaining or working the said ship canal and power aqueduct or either of them, or any part or **Borrowing powers.**

parts of the undertaking, or for any of the purposes of the Company, and at a rate of interest authorized by the laws of Canada, but not exceeding six per cent., per annum, and may make the principal and interest of the bonds, debentures or other securities or any part or parts thereof granted for the sums so borrowed, payable either in Canadian currency, or in sterling money of the United Kingdom of Great Britain and Ireland, or in the currency of any foreign state or states, and at such place or places within this province, or without, as may be deemed advisable, and may sell the same at such prices or discount as may be deemed expedient, or be necessary, and may hypothecate, mortgage or pledge the lands, tolls, revenues, franchises and agreements, or any right or privilege or rights, and privileges thereunder, and other property of the company real and personal already acquired or to be acquired for the due payment of the said sums and the interest thereon, but no such bond or debenture shall be for a less sum than $100.

Company may mortgage whole or part of undertaking.

(*a*) The company may make one or more mortgages to secure any sum or sums to be borrowed under the authority of this section, such mortgage or mortgages may be made upon the whole or upon any part or parts of the company's real and personal property, franchises, agreements, tolls and revenues already acquired or to be acquired.

Scope of mortgages

(*b*) Any mortgage made to secure any bond or debenture issue or issues made or to be made in pursuance of the provisions of this section shall be a charge upon the franchises, tolls, revenues, agreements and other property and assets of the company, real and personal, according to the tenor of such mortgage to the full extent of the company's present or future interest in such mortgaged property and *The Act respecting Chattel Mortgages and Sales of Personal Property*, or any Act requiring the registration or renewal of mortgages of chattels shall not apply to any mortgage made by the company or the property mortgaged thereby; and no writ of execution placed in the office of any sheriff after the depositing, filing or registration of such mortgage as required by law shall apply to any such mortgage or to the property mortgaged thereby to the prejudice of any bondholder holding bonds secured by such mortgage, whether such bonds be issued at the time of the registration or depositing of such mortgage or mortgages or subsequently.

Chattel mortgage Act not to apply to mortgaged property.

(*c*) The directors may decide upon and adopt the form of said bonds, debentures or other securities and of the mortgage or mortgages to secure the same, and may determine the denomination or denominations of the bonds, debentures or other securities (being not less than $100 each), the date of their maturity, the rate of interest thereon, the place and date when coupons shall be payable, and may make all provisions as to the payment or cancellation and re-issue of such bonds, debentures, or other securities at or before maturity, as they may deem expedient,

and shall have full power to make and carry out the said issue of bonds, debentures, or other securities, and the terms of the mortgage or mortgages, to secure the same, in all respects with all provisions and conditions not contrary to law which they may deem proper and necessary.

(*d*) All such bonds, debentures, or other securities shall have the seal of the company attached thereto and shall be signed by the president or a vice-president, or other presiding officer, or a director of the company designated by the board for that purpose, and by the secretary or managing director, or by any other person to be designated by the board to act in the place of the secretary or the managing director, and that the signature of the secretary, managing director or other person to be designated by the board to sign the coupons, may be engraved on the coupons, and shall be as valid as his original signature.

(*e*) The instrument or instruments of hypothecation, mortgage or pledge may be to a trustee or trustees, to be approved of by the board of directors, and such arrangements and agreements may be made with the trustee or trustees as the board may deem proper in connection with the trust.

Holders of bonds in default may organize new company.

(*f*) In the event of the company making default in the payment of bonds or debentures secured by mortgage upon all of the company's real and personal property, franchises, agreements, tolls and revenues acquired or to be acquired and in the event of the bondholders foreclosing such mortgage, the bondholders or the persons, firms and corporations purchasing all of the mortgaged property under power of sale or holding the same after foreclosure may make application to the Lieutenant-Governor in Council who may by special Letters Patent create the applicants into a company by any appropriate name that the Lieutenant-Governor in Council may approve other than the name of of the original company, and upon the formation of such company it shall be vested with all the powers and be subject to all the conditions of this Act, and the defaulting company shall from the date of the incorporation of the new company cease to exist, except for winding-up purposes, provided always that no such company shall be formed with less than seven corporators, and provided also that if the bonds held by the bondholders or others forming a company under this subsection be secured by second or subsequent mortgages the formation of such new company shall in nowise prejudice prior mortgagees or their successors from exercising in like manner all the powers conferred upon them and their successors by this sub-section provided further that all of the bondholders secured by any one mortgage may elect to become corporators and unless the incorporating bondholders shall have made provision for the payment of such bondholders of the same rank and class as may not elect to become corporators the Lieutenant-Governor in Council may, in the special letters patent, provide that the bonds of such last mentioned shareholders shall

Provision for payment of certain bonds upon formation of new company.

remain a charge upon the mortgaged property, and the rights of such last mentioned bondholders shall in no way be prejudiced by the issue of the special Letters Patent or the incorporation of the new company.

Hypothecations of securities for advances.

(*g*) The directors may from time to time for advances in money to be made thereon, hypothecate, mortgage or pledge any bonds, debentures, or other securities, which they may issue pursuant to the provisions of this Act for the carrying out of the undertaking or otherwise for any lawful purpose, or the directors may deliver any or all of such bonds, debentures, or other securities, to contractors or others for lands acquired or to be acquired, work done or to be done, or for materials furnished or to be furnished in the carrying out of the undertaking or any part or parts thereof.

(*h*) Any conveyance of the undertaking, or any part or parts thereof, and any mortgage deed of trust made by the company to secure any issue or issues of bonds, debentures, or other securities of the company may be deposited with the Provincial Secretary for Ontario, and such deposit when made shall be in lieu of registration in any registry office or offices where registration ought to be made, but for the provisions of this subsection, and such mortgage or mortgages shall rank and take precedence of each other in the order of such deposit, in the same manner as if registered in such registry office or offices, but this subsection shall not apply to any mortgage or mortgages given in payment or part payment for purchase money for lands required for right of way or otherwise for the undertaking, or to any conveyance made by the company of lands not required or necessary for the undertaking.

Interpretation.

(*i*) Where the word "bond" is used in this secton it shall also mean "debenture," and where the word "debenture" is used it shall be taken to include and mean "bond" also, and the word "bondholders" shall also include and be taken to mean "debenture-holder."

Power to purchase whole lots.

15. Whenever it shall be necessary for the purpose of procuring sufficient land for right of way, locks, power, reservoirs, etc., and for constructing, maintaining and using any of the works authorized by this Act, and in case by purchasing the whole or a portion larger than required of any lot or parcel of land for such works, the company can obtain the same at a more reasonable price, or to a greater advantage than by purchasing the right of way only, the company may purchase, hold, use and enjoy such waters and lands and also the right of way thereto, if the same be separate from their works, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of this Act shall not apply to this section.

Taking materials for construction of works.

16. When stone, gravel, earth or sand is or are required for the construction, maintenance or operation of said canal or power aqueduct. or either of them, or any part thereof, the

company may, in case they cannot agree with the owners of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in the case of arbitration for the right of way, and all the provisions of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom and may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right of the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration in case arbitration is resorted to, to state the interest required.

Form of conveyance to company.

17. Conveyances of land to the company for the purpose of this Act, made in the form set out in Schedule A to this Act, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate, or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario: and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

Registration fee.

Searching titles.

(*a*) Where lands have been subdivided by a plan and searches are made for the purpose of ascertaining subsequent grantees or encumbrances for any purpose under this Act, the person searching or producing a statutory declaration that the searches are being made for the purpose aforesaid, shall be entitled to make such searches on payment of the regular charge for the first four lots, and where more than four lots are searched, of a fee of ten cents for each lot thereafter, but so that the whole fee for searches shall not exceed two dollars for lands shown on any one plan in addition to the usual charge for examination of original plans and other instruments or copies thereof; provided always that no registrar shall be entitled to more than five dollars for any search made of lands covered by any one plan exclusive of charges for abstracts.

Registrars' fees.

18. The mortgage deed of trust set forth in schedule B to this Act, and all of the bonds issued or to be issued pursuant thereto and purporting to be secured thereby, are hereby confirmed and declared to be legal, valid and binding, notwithstanding any limitations upon the borrowing power of the company contained in any Act of the Legislature of this Province

or in By-law No. 14 of the company set out in said mortgage deed of trust or elsewhere in said mortgage deed of trust.

(*a*) If the trustees, for the time being, under the said mortgage deed, or any mortgage deeds, which may at any time be executed as provided in this Act, shall at any time under the terms thereof release or re-convey to the company or otherwise discharge from the operation of such mortgage deed or deeds any of the properties, real or personal, comprised in such mortgage deed or deeds, then such mortgage deed or deeds, and the preferential claim and charge so created shall cease to apply to the properties so released, re-conveyed or otherwise discharged, and the same shall be absolutely freed therefrom.

19. It shall not be necessary in the exercising of the powers as to mortgaging in this Act contained, to comply with the provisions of *The Act respecting Mortgages and Sales of Personal Property*, or any Act requiring the registration or renewal of mortgages of chattels, but the mortgage mentioned in section 18 of this Act, and any mortgage which may be executed by the company under the powers conferred upon it shall, upon the same being deposited in the office of the Provincial Secretary, as required by this Act, have full force and effect and priority, according to the time of deposit, and shall form a lien and encumbrance upon any personal property, or chattels therein embraced, to all intents and purposes, as therein expressed and set forth as if the provisions of the said Act respecting mortgages and sales of personal property, or any Act requiring registration or renewal of mortgages of chattels, had been fully complied with, and the provisions of this section shall apply to the mortgage deed referred to in section 18 of this Act, and any deposit thereof, or certified or notorial copy thereof, in the office of the Provincial Secretary hereafter made shall be deemed and taken to be the deposit mentioned in this section, and such deposit, whenever made, shall be deemed to have been made on the 21st day of January, 1897.

20. Notwithstanding anything in this Act contained the company may purchase all or any of the real and personal property, rights, agreements, privileges and franchises of any electric company doing business where the company is authorized to sell electricity for heat, light, power or other purposes.

(*a*) Upon the company purchasing or otherwise acquiring all of the business, including the real and personal property, rights, agreements, privileges and franchises of any electric company doing business where the company is authorized to sell electricity for heat, light, power and other purposes, the company may carry on the business so acquired in the same manner and with all of the powers of the company from whom the business was acquired.

(*b*) In making any purchase under the authority of this section the company may pursuant to the terms of such purchase pay for the same in bonds, debentures or other securities of the company, and may secure such bonds, debentures or other securities by mortgage upon the property, rights, privileges and franchises so purchased or acquired, and such mortgage until discharged or paid shall take precedence and rank before the mortgage mentioned in section 18 of this Act, or any mortgage that may hereafter be made by the company, or any judgment or writ of execution against the company, but such priority shall only apply to the property conveyed to the company for and in consideration of such bonds or mortgage, or both.

20. The company may give a mortgage or mortgages to secure all or any of the purchase money for lands for right of way, or other purposes and any mortgage so given in payment or part payment for any lands for any of the purposes of the company shall until paid or satisfied have priority over any other mortgage already given or that may hereafter be given by the company, or any judgment or writ of execution against the company, but such priority shall only apply to the lands conveyed to the company in consideration of such mortgage.

21. In case of any accident requiring immediate repair on the said canal or aqueduct, or any branch or branches thereof, the company, their agent or workmen, may enter upon the adjoining land (not being an orchard or garden) without any previous treaty with the owners or occupiers thereof, and dig for, work, get and carry away and use all such gravel, stone, earth, clay or other materials as may be necessary for the repair of the accident aforesaid, doing as little damage as may be to such land and making compensation therefor within one month next after the same shall have been demanded, and in case of dispute or difference regarding the amount to be so paid, the same shall be decided by arbitration as hereinbefore provided. Taking materials for repairs, etc.

22. Whenever any highway or public road shall be cut through by the said canal or aqueduct, the said company shall, within one month thereafter, cause to be constructed, and thereafter maintained, a secure and sufficient bridge over, or subway under the same, so as to establish the communication between the several parts of such highway, under a penalty of twenty dollars per day for every day after the expiration of the said time during which the company shall neglect to construct the said bridge, such bridge to be built in a manner satisfactory to the council of the said municipality, or in the event of disagreement, to the satisfaction of the Lieutenant-Governor in Council; provided always that if by a reasonable diversion of the said highway the public interest will be suffi- Bridges over roads crossed by works.

Diversion of highway.

ciently served, the company may, at its own expense, make such diverson in a manner satisfactory to the council of the said municipality, or, in the event of disagreement, to the satisfaction of the Lieutenant-Governor in Council.

Time for completion of the undertaking.

23. The undertaking shall be completed within twelve years from the passing of this Act, and in the event of the undertaking not being completed within the said period of twelve years then the powers hereby conferred shall absolutely cease with respect to so much of the undertaking as then remains incomplete.

SCHEDULE A.

(Section .)

Know all men by these presents, that I, in consideration of dollars paid to me by The Georgian Bay Ship Canal and Power Aqueduct Company, (the receipt whereof is hereby acknowledged) do grant and convey unto the company *(here insert description of lands)*

the same having been selected and laid out by the company for the purposes of their undertaking, to hold, with the appurtenances unto the company, their successors or assigns forever.

(Here insert any other clause, convenant or condition required.)

And I, the wife of the said do hereby bar my dower in the said lands.

As witness my hand and seal this day of 1 .

Signed, sealed and delivered in the presence of

SCHEDULE B.

(Section .)

This Indenture made in eight parts the fifth day of January, in the year of our Lord one thousand eight hundred and ninety-seven, between the Georgian Bay Ship Canal and Power Aqueduct Company (hereinafter called "the Company"), of the first part; and James Kirkpatrick Kerr, of the city of Toronto, one of Her Majesty's counsel, learned in the law; and Edward Roper Curzon Clarkson, of the same place, Chartered Accountant, (hereinafter called "the Trustees"), of the second part.

Whereas the company was incorporated by an Act of the Legislature of Ontario passed in the year 1894, and being chapter 97 of 57 Victoria, with full power to lay out, construct, equip, maintain and operate from some point on Lake Ontario, within the county of York, to some point on the Georgian Bay, a ship canal for the purpose of conveying vessels, barges and other water craft and their passengers and cargoes to and from the Upper Lakes and Lake Ontario, and also to lay out, construct, equip, maintain and operate a power aqueduct from some point on Lake Ontario, within the county of York, to some point on Georgian Bay or Lake Sim-

coe, and to charge and collect such tolls or rates from all persons, firms and corporations using the said canal or any other works authorized by the said Act as to the company may seem meet.

And whereas, it is further provided by the said Act of incorporation and amending acts that in case a by-law authorizing the same is or has been heretofore sanctioned by a vote of not less than two-thirds in value of the shareholders then present in person or by proxy at a general meeting duly called for considering the by-law, the directors may borrow money upon the credit of the company and issue the bonds, debentures or other securities of the company, and may sell the said bonds, debentures, or other securities at such prices as may be deemed expedient or necessary, and that the directors may under the like sanction, hypothecate, mortgage or pledge the real or personal property of the company to secure any sum or sums borrowed for the purposes thereof.

And whereas the directors of the company did on the 18th day of September, 1894, pass a by-law to authorize the borrowing of money and the issue of bonds or debentures therefor, and the securing of the same by mortgage under the provisions of the said Acts.

And whereas the said by-law was unanimously adopted, enacted, sanctioned and confirmed at a general meeting of shareholders duly called for considering the said by-law and held on the 26th day of September, in the year of our Lord 1894, and which said by-law is in the words and figures following, that is to say :

BY-LAW No. 14,

Of the Georgian Bay Ship Canal and Power Aqueduct Company, being a by-law to authorize the borrowing of money and the issuing of bonds or debentures therefor, and the securing of the same by mortgage.

Whereas, the Georgian Bay Ship Canal and Power Aqueduct Company is desirous of borrowing money upon the credit of the company, and of issuing the bonds, debentures, or other securities of the company, and of hypothecating, mortgaging or pledging the real or personal property of the company to secure the same ;

Be it therefore enacted as a by-law of the Georgian Bay Ship Canal and Power Aqueduct Company :—

1. The directors of the company may from time to time borrow money upon the credit of the company and issue the bonds, debentures, or other securities of the company, and may sell the said bonds, debentures, or other securities at such prices as may be deemed expedient or necessary, provided that without the consent of the Lieutenant-Governor of Ontario in Council, the issue of bonds or debentures hereunder shall not be for a greater amount than double the paid-up capital of the company.

2. The directors may hypothecate, mortgage or pledge the real or personal property of the company to secure the said issue of bonds or debentures.

3. The directors may designate certain of said bonds or debentures as first preference canal bonds, and may secure the same by first mortgage of the real and personal property of the company used for or connected with the ship canal of the company, and may include therein such of the tolls, revenues and present and future acquired property, franchises, earnings and rentals of the said ship canal of the company as the directors may think proper to mortgage for such purpose.

4. The directors may designate certain other of said bonds or debentures as first preference Power Aqueduct Bonds, and may secure the same by first mortgage of the real and personal property of the company used for or connected with the power aqueduct of the company, and may include therein such of the tolls, revenues and present and future acquired property, franchises, earnings and rentals of the said power aqueduct of the company as the directors may think proper to mortgage for such purpose.

5. The directors may designate certain other of the said bonds or debentures as second mortgage canal bonds, and may secure the same by second mortgage of the real and personal property of the company used for or connected with the ship canal of the company, and may include therein a second mortgage of such of the tolls, revenues and present and future

acquired property, franchises, earnings and rentals of the said ship canal of the company as the directors may think proper.

6. The directors may designate certain other of the said bonds or debentures as second mortgage power aqueduct bonds, and may secure the same by second mortgage of the real and personal property of the company used for or connected with the power aqueduct of the company, and may include therein a second mortgage of such of the tolls, revenues and present and future acquired property, franchises, earnings and rentals of the said power aqueduct of the company as the directors may think proper.

7. No such bond or debenture shall be for less than one hundred dollars.

8. That all such bonds or debentures shall have the seal of the company attached thereto, and shall be signed by the president or a vice-president, and by the secretary or the managing director, or by any other person to be designated by the board to act in the place of the secretary or the managing director, and that the signature of the secretary, managing director, or other person to be designated by the board to sign the coupons, may be engraved on the coupons, and shall be as valid as his original signature.

9. That the instrument or instruments of hypothecation, mortgage or pledge, may be to a trustee or trustees, to be approved of by the board of directors, and such arrangements and agreements may be made with the trustee or trustees as the board may deem proper in connection with the trust.

10. The directors may from time to time, for advances in money to be made thereon, mortgage or pledge any bonds which they may issue hereunder for the construction of the said canal or power aqueduct, or either of them, or otherwise, for any lawful purpose.

11. The directors may decide upon and adopt the form of said bonds or debentures and of the mortgage or mortgages to secure the same, and may determine the denomination or denominations of the debentures (being not less than one hundred dollars each), the date of their maturity, the rate of interest thereon, the place where and date when coupons shall be payable, and may make the principal and interest of said bonds or debentures, or any part thereof, payable in lawful money of Canada or in sterling money of Great Britain, or in the currency of any foreign state or states, and may make all provisions as to the payment or cancellation and re-issue of debentures, which they may deem expedient, and shall have full power to carry out the said issue of bonds or debentures, and the mortgage or mortgages, to secure the same in all respects and with all provisions and conditions not contrary to this by-law, or to law, which they may deem proper and necessary.

In witness whereof the seal of the said company and the hand of the first vice-president thereof have been affixed this eighteenth day of September, in the year of our Lord 1894.

(Signed) PETER RYAN,
1st Vice-president

(Signed) J. A. MACDONALD,
Secretary.

{ CORPORATE SEAL. }

Adopted, enacted, sanctioned and confirmed as above at a meeting of shareholders held this 26th day of September, in the year of our Lord 1894.

(Signed) P. G. CLOSE,
Chairman.

And whereas the directors have decided to create an issue of bonds not to exceed in the aggregate two million, five hundred thousand dollars ($2,500,000), to be issued forthwith or from time to time in amounts not greater than double the then paid-up capital of the company, and to execute these presents which have been adopted as and for a first mortgage deed of trust, to secure the said issue.

And whereas the directors have decided that the said bonds shall be dated on the fifth day of January, 1897, and shall be for one thousand dollars ($1,000) each, and shall be numbered 1 to 2,500 inclusive, and that the principal of the said bonds shall fall due in ten years from the date thereof.

And whereas the directors have decided upon and adopted the following form of bond for such issue, that is to say :

"DOMINION OF CANADA
PROVINCE OF ONTARIO.

The Georgian Bay Ship Canal and Power Aqueduct Company, incorporated by Act of the Legislature of the Province of Ontario. 57 Vic. (1894), chapter 97.

$1,000. 5 per cent. half yearly. No.

"The Georgian Bay Ship Canal and Power Aqueduct Company for value received promises to pay the bearer, or if registered, then to the registered holder hereof, the sum of one thousand dollars in gold coin or its equivalent of lawful money of Canada, on the fifth day of January in the year one thousand nine hundred and seven at the Bank of Montreal, in the city of Toronto, Province of Ontario, Dominion of Canada, with interest thereon from the fifth day of January, 1897 (subject to previous redemption of this bond in accordance with the conditions of the mortgage deed of trust below mentioned), at the rate of five per cent. per annum, payable at the same place semi-annually, on the fifth day of the month of January, and the fifth day of the month of July in each year, on the surrender of the annexed coupons as they severally become due for interest.

"This bond is one of a series of two thousand five hundred bonds for one thousand dollars each, and of like date issued and to be issued to an aggregate not exceeding two and one-half million dollars, to be numbered 1 to 2,500 inclusive, and is secured by a first mortgage deed of trust, dated the fifth day of January, 1897, duly executed and delivered by the company to the trustees named therein, assigning and conveying to them and their successor or successors in the trust, all the real and personal property of the company, and all of the tolls, revenues, and present and future acquired property, franchises, earnings and rentals of the said company, and it is provided in said mortgage deed or trust that the principal of said bonds shall fall due in ten years from the date hereof.

"This bond is prima facie transferable by delivery and payable to the bearer thereof, but it may be registered by the holder thereof for the time being in the books of the company at its office in the city of Toronto or at such other place as the company may open books for that purpose, and such registry shall be noted in the books of the company and on the back of the bond by the company's transfer officer or agent, and after such registry and the endorsement of the name of the holder on the back of the bond, this bond shall cease to be transferable by delivery, and shall only be transferred by transfer in writing upon the books of the company with a corresponding memorandum endorsed upon the bond, except nevertheless that the registered holder for the time being may make a transfer thereof to bearer, and the bond will thereafter become again payable to bearer and transferable by delivery alone, but it may be again registered as before, and no registry of this bond shall restrain or change the negotiability of the coupons by mere delivery.

"This bond shall not be obligatory upon the company until the certificate endorsed hereon is signed by the trustees.

"In testimony whereof the Georgian Bay Ship Canal and Power Aqueduct Company has caused its corporate seal to be hereto affixed and the same to be attested by the signatures of its president and secretary on the fifth day of January in the year of our Lord 1897, and the company has also caused the signature of its secretary te be affixed to the coupons attached to this bond in the manner provided by the by-law of the company.

{CORPORATE SEAL.} *President.*

Secretary.

"FORM OF COUPON.

"The Georgian Bay Ship Canal and Power Aqueduct Company will pay to the bearer on the fifth day of , 189 , the sum of twenty-five dollars at the Bank of Montreal at Toronto, being six months' interest on bond No.

Secretary.".

"FORM OF TRUSTEES' CERTIFICATE.

"We, James Kirkpatrick Kerr and Edward Roper Curzon Clarkson, do hereby certify that the within bond is one of the series of bonds secured by the first mortgage deed of trust mentioned therein and delivered to us as trustees, and that the said first mortgage deed of trust has been duly registered in the proper registry offices in the Province of Ontario."

Now therefore this indenture witnesseth that for the purpose of securing the payment of the said bonds with the interest thereon as aforesaid, and for the further consideration of one dollar in hand paid by the trustees to the company (the receipt whereof is hereby acknowledged), the company hath granted, bargained, sold, assigned and transferred, and by these presents doth grant, bargain, sell, assign and transfer unto the trustees, and to their successors in the trust, all the real and personal property of the company, agreements and all of the tolls, revenues and present and future acquired property, franchises, earnings and rentals of the company, and the right to ask, demand and sue for the recovery of such tolls, earnings and rentals, and also all the estate, right, title and interest, property, possession, claim and demand whatsoever as well in law as in equity, of the company, of, in and to the same, and any and every part thereof with the appurtenances.

To have and to hold the said premises, rights, properties and privileges and every part thereof unto and to the use of the said trustees, their successors and assigns, and to their successors as trustee or trustees in trust nevertheless for the holders of the said bonds, but only upon the following conditions, covenants and agreements, and for the purposes herein expressed:

Article 1.—The whole of the said issue of bonds duly signed by the president or other presiding officer, and countersigned by the secretary with the requisite coupons attached thereto, shall upon the execution and delivery of this mortgage deed of trust be deposited by the company with the trustees and as the same are issued as is hereinafter provided for, the trustees shall certify the same.

Article 2.—The said bonds, duly certified as aforesaid, shall forthwith thereafter be issued by the trustees and delivered to the company, and the directors of the company may issue, sell or pledge the said bonds at or for the best price or sum, as the case may be, and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money to complete the undertaking, or the directors of the company may deliver all or any portion of the said bonds to contractors in payment for work done or to be done pursuant to contract.

Article 3.—The trustees shall not be responsible for the mis-application or non-application by the directors or officers of the company, or any of such directors or officers of any of the moneys realized by the sale or pledge of any of the said bonds, and it shall not be any part of the duty of the trustees to see to the application thereof.

Article 4.—Until default shall be made in payment of the principal or interest of the said bonds, or some of them, or until default shall be made in respect to something herein required to be done or kept by the company, the company shall be suffered and permitted to possess, operate, manage and enjoy its real and personal property, rights and privileges hereby conveyed and intended so to be, and to take and use the tolls, earnings and rentals, incomes and profits thereof in the same manner and to the same effect as if this deed had not been executed.

Article 5.—In case default shall be made in the payment of any interest to accrue on any of the aforesaid bonds to be issued by the company, when such interest shall become payable, according to the tenor of such bond or the terms of any coupon thereto annexed, and such default shall continue for a period of four months, or in case default shall be made in the observance or performance of any other matter or thing in these presents mentioned, and agreed or required to be observed and performed by the company, and such default shall continue for the period of six months, then and from thenceforth, and in either of such cases, it shall be lawful for the trustees by their attorneys or agents to enter into and upon all and singular the real and personal property and premises hereby conveyed or intended so to be acquired or constructed, and to be acquired or constructed, or any part thereof, and thenceforth to have, hold, possess and use the same and each and every part and parcel thereof, then subject to the lien of these presents, with full power to operate and conduct the business of the company by the trustees, and their superintendents, managers and servants or attorneys or agents, and to make from time to time all repairs and replacements, and such needful alterations, additions and improvements thereto as may seem to them to be judicious, and to collect and receive all tolls, fares, freights, incomes, issues and profits of the same, and of every part thereof, and after deducting the expense of operating the undertaking of the company and conducting the business thereof, and of all the said repairs, replacements, alterations, additions and improvements, and all payments which may be made or may be due for taxes, assessments, charges or liens, prior to the the lien of these presents upon the said premises, or any part thereof, as well as just compensation for the trustees' own services and for the services of such attorneys and counsel and all other agents and persons as shall have been by the trustees employed, and all other charges and expenses reasonably incurred in or about the execution of the trusts or powers by this indenture created, the trustees shall apply the moneys arising from such collections and receipts as aforesaid to the payment of interest on the said bonds in the order in which the said interest shall have become and shall become due, ratably, to the persons entitled to such interest, and if, after paying in full the interest which shall have accrued on the said bonds, a surplus of the moneys arising as aforesaid shall remain, and the principal of the said bonds shall not be due, and such surplus or any part thereof shall not be required in the judgment of the trustees for the protection of the property, or to provide for the instalment of interest next thereafter to fall due, the same may be paid over to the company; but in case the principal of the said bonds shall have become due, the surplus arising as aforesaid shall be reserved to be applied to the payment of said bonds upon a sale of the said property and premises as hereinafter provided.

Article 6.—In case default shall be made in the payment of interest on the said bonds, or any of them, as aforesaid, and shall continue as aforesaid for the period of four months thereafter, or in case default shall be made in the payment of the principal of the said bonds or any of them or any part thereof when the same shall respectively become due and payable, whether by effluxion of time or declaration of the trustees as hereinafter provided for, and shall continue for a period of four months thereafter, it shall be lawful for the trustees after such entry as aforesaid or after other entry or without entry personally or by their attorneys or agents to sell and dispose of all and singular the property, rights and franchises hereinbefore expressed to be conveyed, and which shall be then subject to the lien of these presents, at public auction in the City of Toronto, in the Province of Ontario, and at such time as the trustees shall appoint, having first given notice of the time and place of such sale by advertisement published not less than three times a week for three successive months, in one or more daily newspapers published in the City of Toronto, and in such other manner as the trustees may think proper. And after such notice it shall be lawful for the trustees to make such sale with or under any special conditions as to upset price, reserve bid or otherwise, or as to receiving the price or consideration of such sale in whole or in part in bonds secured hereinunder which may be prescribed

or authorized by the bondholders in the manner hereinafter provided also with power to rescind or vary any contract of sale that may have been entered into thereat and re-sell with or under any of the powers herein. And the trustees may stop, suspend or adjourn such sale from time to time in their discretion, and if so adjourning make the same with or under any of the powers herein, after such notice and advertisement as the trustees may think best, at any time and place to which the same shall be so adjourned, and make and deliver to the purchaser or purchasers of the said property, undertaking and premises, or any part thereof, good and sufficient deed or deeds in the law for the same, which sale made as aforesaid shall be a perpetual bar both in law or equity against the company and its assigns and all other persons claiming the said premises, or any part or parcel thereof, by, from, through or under the company or its assigns. And after deducting from the proceeds of such sale just allowance for all expenses thereof, including attorneys' and counsel fees, and all other expenses, advances or liabilities which may have been made or incurred by the trustees in operating or maintaining the real and personal property comprising the undertaking of the company, or in managing the business thereof, and all payments by them made for taxes and assessments, and for charges and liens prior to the lien of these presents on the said premises, or any part thereof, as well as reasonable compensation for their own services and any other expenses or charges referred to in Article Five, it shall be lawful for the trustees, and it shall be their duty, to apply the residue of the moneys arising from such sale to the payment of the principal and accrued and unpaid interest on all the said bonds which shall then be outstanding, without discrimination or preference as between principal and accrued and unpaid interest, or as between the holders of said bonds or of any coupons issued therewith, but equally and ratably and to all such bond and coupon holders. Provided, however, that should interest on some bonds have been paid up to a later date than interest on other bonds, the trustees shall, before applying such residue as aforesaid, pay the interest on all bonds up to the same date, in order that all may stand on an equal footing when such residue is being applied. And if, after the payment and satisfaction of said bonds, principal and interest, a surplus of the said proceeds shall remain, to pay such surplus to the company or its assigns. And it is hereby declared and agreed that the receipt of the trustees shall be a sufficient discharge to the purchaser or purchasers at such sale for his or their purchase money, and that after payment of such purchase money and having such receipt, said purchaser or purchasers shall not be obliged to inquire into the application of such purchase money upon or for the trusts or purposes of these presents, or to be in any way whatsoever answerable for any loss, mis-application or non-application of such purchase money, or of any part thereof, nor shall he or they be obliged to inquire at any time into the necessity, expediency or authority of or for any such sale.

Article 7.—In case default shall be made in the payment of any half-yearly instalment of interest on any of the said bonds when such interest shall become payable according to the tenor of such bond, or of any coupons thereto annexed, and such instalment of interest shall remain unpaid and in arrear for a period of four months after the same shall have become payable as aforesaid, and such default shall continue for four months thereafter, then and from thenceforth the principal sum of each of the bonds aforesaid shall, upon a declaration of the trustees to that effect become and be immediately due and payable notwithstanding that the time limited in the said bonds for the payment thereof may not then have elapsed, but a majority in interest of the holders of all the bonds aforesaid, which shall then be outstanding and upon which default in the payment of interest shall have been made and shall be continuing, shall have the power by an instrument in writing under their hands and seals or by a vote at a meeting duly convened and held as hereinafter provided, at any time before the actual payment and acceptance of the interest in arrear, to instruct the trustees to declare such principal sum due, or to cancel any declaration already made to that effect or to waive the right so to declare on such terms and conditions as such majority in interest shall

prescribe ; provided always, that no act or omission either of the trustees or of the bondholders in the premises, shall extend to or be taken in any manner whatsoever to affect any subsequent default or the rights resulting therefrom.

Article 8.—It shall be the duty of the trustees to exercise the power of entry hereby granted or the power of sale hereby granted or both or to proceed by suit or suits in equity or at law to enforce the rights of bondholders in the several cases of default herein specified on the part of the company or its assigns in the manner and subject to the qualifications herein expressed upon the requisition of bondholders as herein prescribed as follows :

(*a*) In case default shall be made in the payment of any semi-annual instalment of interest to accrue on any of the said bonds to be issued as herein provided, and such default shall continue as aforesaid for a period of four months then and in every such case upon a requisition in writing, signed by the holder or holders of said bonds to an aggregate amount of not less than one-fifth the amount of said bonds then outstanding, and adequate and proper indemnification of the trustees against the costs, expenses and liabilities to be by them incurred, it shall be the duty of the trustees to proceed to enforce the rights of the bondholders under these presents, by such proceeding authorized by these presents or by law as they shall be in such requisition directed to take by the said proportion of bondholders ; or if such requisition contains no such direction, then by entry, sale or suit or suits in equity, or at law as they being advised by counsel learned in the law shall deem most expedient for the interest of the holders of said bonds ; the rights of entry and sale hereinbefore granted being intended as cumulative remedies, additional to all other remedies allowed by law for the execution and enforcement of the trusts hereof.

Provided, nevertheless, that it shall be lawful for a majority in interest of the holders of said bonds for the time being by an instrument under their hands and seals or by a vote at a meeting duly convened and held as herein provided to direct the trustees to waive such default upon such terms as may be directed by such majority in such instrument or by such vote if required under the conditions hereof. And it is hereby provided and expressly agreed that no holder of bonds or coupons secured to be paid hereby shall have the right to institute any suit or proceeding for the foreclosure of this indenture or the execution of the trust thereof except upon and after the refusal or neglect of the trustees hereunder to proceed to act in the premises upon requisition and indemnification as aforesaid ; but it shall nevertheless be lawful for a majority in interest of the holders of said bonds for the time being to direct the party or parties bringing any such suit or proceeding to waive the default or defaults in which it is founded in like manner as is hereinbefore provided for a direction to the trustees to waive default. And it is hereby further declared and provided that no action taken by the trustees or by the bondholders under this clause shall prejudice or in any manner affect the powers or the rights of the trustees or of the bondholders in the event of any subsequent default or breach of condition or covenant herein.

(*b*) If the company shall make default or breach in the performance or observance of any other condition, obligation or requirement by the said bonds or by this present deed imposed upon them, then and in such case the trustees shall, upon a requisition in manner aforesaid of not less than one-fifth in interest of the bondholders, for the time being, and upon adequate and proper indemnification of the trustees against the costs, expenses and liabilities to be by them incurred, proceed to enforce the rights of the bondholders under these presents in the manner by the first clause of this article provided subject to a power in such majority at any time to direct in manner aforesaid the trustees to waive such default or breach upon reparation therefor to the satisfaction of such majority being made. And it is hereby provided that no action taken by the trustees or by the bondholders under this clause shall prejudice or in any manner affect the powers or rights of the bondholders in the event of any subsequent default or breach of condition or covenant herein.

Article 9.—The board of directors of the company may from time to time by resolution require the trustees by way of release or otherwise to discharge from the operation of these presents any lands acquired or held for the purpose of excavating gravel or other materials therefrom and any lands which may have become disused by reason of a deviation in the company's ship canal or power aqueduct of of a change of the location of the company's works, and any power-house or other building or any premises or lands which the said board of directors may deem it expedient to disuse or abandon by reason of such deviation or change and which said lands or property shall by resolution of said board be declared to be unnecessary for the purpose and business of the company and in every such case the trustees when so required may if in their discretion they deem proper execute such releases and discharges accordingly. And it is hereby declared that any lands or other property which may be acquired in substitution for lands or property so released or discharged as well as any lands or other property subsequently acquired by the company for the use or convenience of its undertaking or in connection therewith shall be deemed to come within the operation of these presents and be included therein, and shall be conveyed to and held by the trustees upon the trust of these presents.

Article 10.—The company shall from time to time and at all times hereafter and as often as thereunto requested by the trustees execute, acknowledge and deliver all such further deeds, conveyances and assurances in the law for the better assuring unto the trustees and their successors in the trust hereby created upon the trust herein expressed all the real and personal property comprising the undertaking of the company with the equipment and appurtenances hereinbefore mentioned or intended so to be, and all other property and effects whatsoever which may at any time hereafter be acquired for use in connection with the said undertaking or any part thereof, and all franchises now held or hereafter acquired as by the trustee or trustees or the survivor of them or their successors or by their counsel learned in the law shall be reasonably advised, devised or required.

Article 11.—It is hereby declared, agreed and understood to be the true intent and meaning of these presents and the parties hereto, that all the property, real and personal and mixed corporeal or incorporeal of every kind and nature now in the possession of or hereafter acquired by the company for its use, shall be transferred and deemed to be transferred hereunder as fully and effectually without any act or deed of the company as if the company now owned or were possessed of the same.

Article 12.—If the company shall well and truly pay the bonds issued under these presents required to be paid by the company and all interest thereon ratably, and without discrimination or preference according to the tenor and effect of said bonds and shall well and truly keep and perform all things herein required to be kept and performed by the company according to the true intent and meaning of these presents, then and in that case the estate, right, title and interest of the trustees and of their successors in the trust hereby created and all the equity of bondholders in the said property shall cease and determine and become void without any release by the trustees (but it shall be the duty of the trustees to re-convey the property to the company by deed of release) otherwise these presents shall be and remain in full force and virtue.

Article 13.—Any trustees hereunder may take such legal advice and employ such assistance as in their judgment may be necessary for the proper discharge of the duties imposed hereunder and shall be entitled to reasonable compensation for any and all services which may hereafter be rendered by them in said trust, which compensation and all proper costs, charges and expenses incurred by them, the company hereby promises and agrees to pay, but in case the company shall make default in such payment the same may be retained by the trustees out of any trust moneys coming into their hands. Provided always that the trustees shall be entitled to be paid by the company, fifty cents for each bond certified by them, which payment shall be in full for all services of the trustees prior to default by the company in payment of the principle or interest on

bonds, but should such default occur, then the remuneration of the trustees for services consequent upon such default shall be fixed in the usual way under the statute in that behalf.

Article 14.—The trustees or either of them may resign the trusts created by this deed and be discharged from all further duties thereunder or liability thereafter accruing upon giving three months' notice in writing to the company if such resignation takes place before any default by the company in the payment of any interest or principal or in any of the conditions hereof, or after such default upon giving a like notice to the company and to the bondholders, at the same time calling a meeting of the bondholders to accept such resignation or upon such shorter notice as the company or the bondholders, as the case may be, may accept as sufficient.

Article 15.—In case of the resignation or removal from office or incapacity to act of any trustee, a successor or successors shall be at once appointed to fill such vacancy by a Judge of the High Court of Justice for Ontario upon the application of the company or of the remaining trustee upon notice being given to any other existing trustees and also to the bondholders by advertisement in each issue for two weeks in the *Ontario Gazette* and in one daily newspaper published in Toronto. From thenceforth on any new appointment under this article any person so appointed shall be vested with the same powers, rights, interests and charges and the same duties and responsibilities as if he had been originally named as a party of the second part to this instrument in place of the trustee whom he succeeds without any further assurance, conveyance, act or deed; but there shall be immediately executed all such conveyances or other instruments as may be necessary or suitable for the purpose of assuring to the new trustee so appointed a full joint estate in the premises. If no such application be made by the company or the remaining trustee during four weeks after any such vacancy happens such application may be made by any holder or holders of said bonds upon notice being given to the company and to the other trustees and to the other bondholders by advertisement as aforesaid.

Article 16.—The word "trustee" wherever used in this indenture shall in all cases be construed to mean any corporation or any one person or more persons who for the time being shall be trustee or trustees whether such corporation, person or persons be the party of the second part or any successor or successors of said party of the second part appointed hereunder. In case of a vacancy in said trust the surviving or continuing trustee, if there be any, shall be competent to exercise until the appointment of a new co-trustee, any and all powers and authorities herein granted to the said party of the second part.

Article 17.—Meetings of the holders of bonds secured under this mortgage may be called in such mode as may be fixed by regulations prescribed or established by the bondholders; and the bondholders may vote at such meetings personally or by proxy and a quorum may be defined, and such other regulations or by-laws in respect of such meetings may be from time to time established, altered or repealed by the bondholders, acting by the majority in interest as to them shall seem expedient; and until the bondholders shall define the quorum and make such regulations or by-law such powers may be exercised by the trustees, including the fixing of the mode of the calling of the first meeting and the conduct thereof. And the trustee shall have the right at or before any meeting of bondholders, to require that any act or resolution of the bondholders affecting the duties of the trustees shall be authenticated by the signatures of all the persons assenting thereto, as well as by a minute of the proceedings of the meetings. And whenever and as often as any contingency shall arise in which the action of the holders of the bonds secured thereby shall be necessary or in which the said bondholders are herein declared to have any discretionary voice or power, it shall be the duty of the trustees, and such trustees shall be and are hereby authorized and required to call a meeting of the holders of bonds secured thereby to be held in the said city of Toronto, and in the absence of any regulation or by-law determining the notice to be given of such meeting, it shall be notified to the bondholders by advertisement (the expense whereof shall be a liability of the company, and may be defrayed, if necessary, from

the trust fund) to be published three times in each week for at least four weeks in at least two daily newspapers of good circulation among the business community in said city of Toronto, and in default of such meeting being called by the trustees within thirty days after notification to them in writing by any bondholder of the necessity therefor, or in case the trust shall be wholly vacant, it shall be competent for any holder or holders of said bonds to the aggregate amount of at least one-fifth of the entire outstanding bonds of the company, to call such meeting and at such meeting so convened the holders of the said bonds shall be competent to exercise in person or by proxy by the vote of the majority in interest of those present or represented at such meeting, all the powers and authority conferred upon them by these presents. Until otherwise provided, pursuant to the provisions of this instrument in that behalf, a majority in interest of the holders of the outstanding bonds for the time being shall be required to constitute a quorum at any meeting.

Article 18.—The company in consideration of the premises hereby covenants and agrees to and with the trustees and their successors in the trust created by these presents, that whenever and as often as the company shall hereafter acquire any additional property, rights, franchises or things whatsoever pertaining to or for the use of the company hereinbefore conveyed or upon any part thereof, the company and its assigns shall and will acquire, possess and hold the same, and every part and parcel thereof, upon and subject to the trust of this indenture until conveyance thereof shall be duly made and delivered to the trustees for the benefit of the trust by these articles created.

Article 19.—The company hereby covenants and agrees that the company shall and will pay the principal and interest of said bonds to the several holders and owners thereof, when and as the same shall become due and payable, according to the tenor and effect thereof, and will pay all taxes that may be assessed upon said mortgaged property or any part thereof, so that said property shall be free from all liens or charges for taxes or assessments of whatever kind or nature.

Article 20.—The company may pay the principal money on any or all of the bonds hereby secured at any time before the maturity thereof, upon paying the same to the holders thereof, together with all unpaid interest earned or accrued thereon, at the rate of five per cent. per annum, to and including the day of such payment, or the company may make such payment to the trustees, or may deposit the money with the Bank of Montreal, Toronto, in trust for the holders of such bonds, and upon the payment and cancellation of all the bonds hereby secured by the company, or upon depositing a sum sufficient to pay the same, with interest as aforesaid to and including the day of such payment, with the trustees or the said bank as aforesaid, then these presents shall thereupon become null and void, without any act of conveyance from the trustees, but it shall be the duty of the trustees to re-convey the property hereby mortgaged when requested by the company so to do after the payment of the said bonds, or the depositing of the money for the payment thereof as aforesaid.

In testimony whereof, and in pursuance of a resolution of the board of directors of the company, passed on the fifth day of January in the year of our Lord one thousand eight hundred and ninety-seven, the company has caused its corporate seal to be affixed to these presents, and the same to be attested by the signature of the president and secretary, and the trustees have hereunto set their respective hands and seals to testify their acceptance of the said trust, the day and year first above written.

Signed, sealed and delivered,

J. A. MACDONALD,
President.

T. W. CLOSE,
Secretary.

{ CORPORATE SEAL. }

J. K. KERR, [Seal.]

E. R. C. CLARKSON. [Seal.]

No. 52.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Georgian Bay Ship Canal and Power Aqueduct Company.

First Reading, th March, 1897.

(Private Bill.)

Mr. PATON.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 53.] **BILL.** [1897.

An Act to change the Name of The Aqueduct Construction Company of Toronto, (Limited) and for other Purposes.

Preamble.

WHEREAS The Aqueduct Construction Company of Toronto (Limited), was incorporated by Letters Patent bearing date the 26th day of May, 1896, issued pursuant to the provisions of *The Ontario Joint Stock Companies Letters Patent Act*; and whereas the company has by its petition prayed that an Act may be passed changing the corporate name and extending the scope and objects of its business; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Name of company changed.

1. The name of the company is hereby changed to "The Ontario Aqueduct and General Construction Company," hereinafter called "the Company."

Incorporation confirmed.

2. The company as now organized and constituted under the said Letters Patent is hereby declared to be a body corporate and politic, and the present board of directors, namely, Patrick George Close, Thomas Walton Close, Ernest Albert Macdonald, John Arthur Macdonald and Harrie Poyntz Davies, shall continue to be the board of directors of the company until legally replaced.

Act substituted for Letters Patent.

3. This Act shall be substituted for the said Letters Patent which are hereby repealed, revoked and annulled; provided that nothing in this Act contained shall affect anything done or any right or privilege acquired or any liability incurred under the said Letters Patent at the time of the passing of

this Act, to all of which rights and privileges the company shall continue to be entitled, and to all of which liabilities the company shall continue to be subject.

Company not to be a new corporation, etc.

4. The company under its name as changed by section one of this Act, shall not be deemed to be a new corporation, but after the passing of this Act shall be subject to the provisions of this Act; and all real and personal property, shares or stock, obligations, debts, claims, rights, powers and privileges, of the company shall, after the passing of this Act, be held by and vested in the company under the name of "The Ontario Aqueduct and General Construction Company" and all the shareholders of the company shall continue shareholders in all respects as before the change of name aforesaid; but all legal and other proceedings prior to the passing of this Act begun by or against the company, may be continued under the name or under the style of cause in which they have been begun.

Rev. Stat. c. 150 to apply to company.

5. *The Ontario Joint Stock Companies General Clauses Act* shall in so far only as it is applicable and not inconsistent with or repugnant to any of the provisions of this Act, apply to the company and its objects and undertakings, instead of the said *Letters Patent Act.*

Powers of company.

6. The Company may

(*a*) Enter into and carry into effect any contract or contracts with any person, firm or body corporate that such person, firm or body corporate has power to make for the erection or construction of any canal, power aqueduct or water supply system, railway, road, drainage system or building or other structure of any kind whatsoever, and carry on the general business of contractors within the Province of Ontario, including the purchase of all lands for right of way or other purposes in connection with the carrying out of any such contract or contracts.

(*b*) Receive the shares, bonds and debentures or other securities of any company or body corporate for work done or to be done, for lands purchased or to be purchased, or for materials or goods delivered or to be delivered in relation to any such contract or contracts.

(*c*) Invest any of its funds in the capital stock, bonds, debentures or other securities of any other company.

(*d*) Hold, sell or otherwise dispose of any and all shares, bonds. debentures or other securities of any other company or any interest therein that the company may have or enjoy.

Bonding powers.

7. In case a by-law authorizing the same is or has been heretofore sanctioned by a vote of not less than two-thirds in value of the said shareholders then present in person or by proxy, at a general meeting duly called for considering the by-law, the directors may borrow money upon the credit of

the company and issue the bonds, debentures or other securities of the company, and may sell the said bonds, debentures or other securities at such prices as may be deemed expedient or be necessary, but none of such debentures shall be for a less sum than one hundred dollars.

(*a*) The directors may, under the like sanction, hypothecate mortgage or pledge the real or personal property of the company to secure any sum or sums borrowed for the purposes thereof.

(*b*) The company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may, under the powers of this Act, issue for the purposes of the company.

Directors may be directors of contracting company.

8. Notwithstanding the negotiation for or the existence of any contract or contracts that may from time to time be made or pending by and between the company and any other company, the directors, officers and shareholders of the company shall, if otherwise qualified, be eligible for election, and may hold office as directors of such other company, and shall also be eligible for appointment or election and may hold any other office within the gift of the directors or the shareholders of such other company, except the office of auditor.

Capital stock.

9. The amount of the capital stock of the company shall be $500,000.

(*a*) The number of shares shall be 5,000, and the amount of each share shall be $100.

(*b*) Twenty-five hundred of the said shares shall be preferred stock, and twenty-five hundred shares shall be common stock, and no dividend shall be paid on the latter in any year until a dividend of at least ten per cent. shall have been paid or declared in favor of the former for such year.

(*c*) The company may from time to time redeem or buy in for cancellation any or all of the preferred stock, without the consent of the owners or holders thereof, upon re-payment of the amount paid or accredited thereon, together with all unpaid dividends that may have been declared thereon.

Allotment of stock.

10. In procuring subscriptions for stock, or in selling forfeited or other stock, the directors may allot such stock to such person or persons, including directors, in such amounts and subject to the payment of such calls of each amount at such times and at such discount as they think fit, or they may agree for the sale of such stock, or any part thereof at such price as they think fit, and for payment of the price at the time of subscription or by instalments. Any amount as and when payable under this section shall be deemed to be money due by a shareholder in respect of a call on shares made.

Fully paid-up and non-assessable shares.

11. When shares have been issued and delivered as fully paid-up shares, and when the company have certified under its corporate seal that the person, firm or corporation named in such certificate is the holder of such shares, the shares referred to as being so held shall be deemed to be fully paid up shares and non-assessable, and the holder or holders of such shares shall not be liable to the company, or to the creditors of the company in any way whatsoever in respect of such shares.

Surrender of shares.

(*a*) The company may receive a surrender of all or any of the shares held by any shareholder, and upon such surrender being made in writing in such form and manner as the directors may from time to time approve, the company may from time to time re-issue such surrendered shares or any portion thereof to whomsoever, or to the order of whomsoever the party surrendering the same may in writing designate or appoint, and the person accepting such shares shall have and possess the same rights and privileges and be subject to the same liabilities as if such shares had been transferred in the company's books by the holder thereof and accepted by the transferee or otherwise transferred according to law.

By-laws.

12. The shareholders may make any by-law or by-laws that the company may lawfully make, and no by-law enacted and passed by the shareholders shall be subject to repeal or amendment except by the shareholders.

(*a*) Any by-law enacted by the shareholders shall have precedence and shall prevail over and against any by-law inconsistent therewith which has been or that may be enacted by the directors.

(*b*) Nothing in this section contained shall be taken or construed to mean that the power of the directors to enact, repeal, re-enact or amend any and all by-laws that the company may lawfully make in any way lessened or abridged except in so far as this section expressly provides.

Acquiring real estate for residences of officers, etc.

13. The company may acquire by purchase, lease or otherwise such real estate as may from time to time be required for residence or dwellings of the officers, agents and workmen of the company, and may erect, furnish and maintain such residences or dwellings.

No. 53.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to change the name of The Aqueduct Construction Company of Toronto (Limited) and for other Purposes.

First Reading, 8th March, 1897.

(Private Bill.)

Mr. PATON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 54.] **BILL.** [1897.

An Act respecting the Town of Port Arthur.

WHEREAS the council of the corporation of the town of Port Arthur has by its petition represented that the debenture debt of the corporation was on the 31st day of December, 1896, as follows: For general purposes, including the purchase money of water front lots for the Canadian Pacific Railway and a bonus to the Dominion Government towards the construction of a breakwater, $50,000; for high school purposes, building and grounds, $12,500; for grounds surrendered to the Crown as represented by the Dominion Government for public buildings, $6,000; for public schools, $10,000; for a bonus to the Port Arthur, Duluth and Western Railway, $25,000; for purchase money of lands for a gravel pit for use in the repair of streets, etc., $2,250; for public parks, $13,500; and for an electric street railway, $75,000 and $40,000, together being $115,000, and for local improvements upon the credit of the municipality at large, $23,475, making a total of debenture liability of $257,725; that under *The Port Arthur Debenture Act, 1891*, the outstanding debenture debt of the corporation then existing aggregating $112,750 (exclusive of its debenture debt for local improvements), was consolidated and the corporation was thereby empowered to issue its consolidated debt debentures payable in not more than thirty years from their issue, and the said Act provided that the corporation should not be relieved from the obligation of continuing to raise sinking funds for the payment of the then outstanding debentures until such outstanding debentures shall have been paid off or redeemed; that $35,000 of the said then outstanding debentures, namely, those for public school purposes and for a bonus to the Port Arthur, Duluth and Western Railway have been redeemed by the issue of consolidated debt debentures under the said *The Port Arthur Debenture Act, 1891*; that the corporation desires when such can be accomplished to redeem the remainder, being $77,750 of its said debenture debt of $112,750 by the issue of consolidated debt debentures under the authority of the said *The Port Arthur Debenture Act, 1891*; that by force of an Act passed in the Preamble.

56th year of Her Majesty's reign, chaptered 78, the said debentures aggregating $115,000 for electric street railway purposes are a preferential charge or lien on the said railway property and on the net income derived from the working and operating thereof as well as being a debenture debt of the corporation; that the said street railway debentures of $115,000 could not have been and were not sold except at a discount of from five to ten per cent. so that they realized only $104,900 to the corporation; that the cost of construction and equipment of the said electric street railway was $113,489.75 being $8,589.75 beyond the said amount realized for the sale of the said electric street railway debentures; that the said electric street railway has been operated since its inception at a necessary loss, its earnings having been insufficient to meet its working expenses which the corporation had to meet out of its general funds; that the cost to the corporation of the said electric street railway over and above the amount realized from the sale of the said electric street railway debentures and the loss in operating the said electric street railway since its inception together with the amount necessarily still required to place the said electric street railway in a first class condition exceed $20,000, exclusive of interest on the capital invested and losses paid by the corporation in respect of the said electric street railway; that it is necessary and expedient in order to enable the said electric street railway to pay its working expenses and interest and to prevent its being an unsupportable burden on the ratepayers that the corporation should be authorized to purchase out moneys at the credit of its sinking fund with respect to the said electric street railway debentures a lighting plant in connection with the said electric street railway; that it would not be unjust or inequitable under all the circumstances which have arisen that the corporation be relieved from placing to the credit of a sinking fund any moneys in respect of the said electric street railway debentures until the periods hereinafter mentioned in view of the cost to the corporation of the said electric street railway over the amounts realized, the deficiency in earnings over working expenses and interest and the expenditure yet necessarily required in order to put the said electric street railway in a first-class condition; that the assessed value of all the real and personal property within the corporation was for the year 1890 being the next year prior to the passing of the said *The Port Arthur Debenture Act, 1891*, $1,745,788; that the assessed value of such real and personal property for the year 1896 was $1,165, 992, being a depreciation in value of $579,797 as between the assessed values in the year 1890 and 1896 respectively; that without exceeding its statutory powers as to the limit of yearly rates the corporation cannot levy rates sufficient to meet its general expenses, debenture, sinking fund and interest and its expenditure for high and public schools and for other proper and necessary municipal purposes; that an expensive and ill-considered system of public parks was undertaken by the corporation without there having been any pro-

vision made for their improvement and maintenance and the said debentures aggregating $13,500 in respect of the purchase money of lands then intended for such public park purposes were authorized by by-law to be issued although of these debentures only a debenture of $500 has been issued and sold; that an action in the High Court of Justice was pending with respect to the purchase money of part of the lands intended for public park purposes by the alleged vendor thereof against the corporation but an agreement has been entered into between such vendor and the corporation for the settlement of the said action: that it will be inexpedient, unnecessary and impossible to levy a rate sufficient to meet any sinking fund or to carry as a liability of the corporation the amount which ought to be at the credit of a sinking fund account with respect to the corporation's said debenture debt exclusive of its said electric street railway debenture debt until consolidated debt debentures shall have been issued and sold; that it would be to the interest of the holders of the corporation's debentures that legislation be enacted to relieve the corporation from placing to the credit of a sinking fund with respect to the said debentures which may be redeemed by consolidated debt debentures under the said *The Port Arthur Debenture Act, 1891*, any sum already raised, levied or collected in respect of such fund and from raising any moneys toward such sinking fund until after the issue and sale of consolidated debt debentures under the said Act by which the said debentures may be redeemed and from raising any moneys towards a sinking fund in respect of the said electric street railway debentures, aggregating $75,000, maturing in the year 1921 until the year 1901 and in respect of the said electric street railway debentures aggregating $40,000, maturing in the year 1923 until the year 1903 and that the corporation be empowered to cancel the said unsold public park debentures aggregating $13,000 and to redeem the said public park debenture for $500 which has been issued and sold by payment thereof with the interest which shall have accrued thereon up to the time of payment: that it may be declared that section 373 of *The Consolidated Municipal Act, 1892*, did not with respect to the corporation's debenture debt and its applicable sinking fund apply to the corporation or the members of its council; that the by-laws authorizing the issue of the said debentures for public park purposes referred to in the said petition be authorized to be repealed save only with respect to the said debenture of $500 which has been sold; and that it would enable the corporation to discharge its debts, obligations and liabilities in full and be conducive to to the welfare and interests of the ratepayers and facilitate the municipal business of the corporation and be generally advantageous to the town and its creditors and to the surrounding districts if the special legislation in regard to the several matters above and hereinafter set forth was passed; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sinking fund only on and after 1901 as to the $75,000 electric street railway debentures; only on and after 1903 as to the $40,000 of those debentures.

1. In and after the year 1901 and yearly thereafter until the maturity of the debentures of the corporation of the town of Port Arthur, aggregating $75,000, issued for its electric street railway expenditure referred to in schedule "A" to this Act, and in and after the year 1903 and yearly thereafter until the maturity of the debentures of the said corporation, aggregating $40,000, also issued for its said electric street railway expeniture referred to in schedule "B" to this Act, the corporation of the town of Port Arthur shall with respect to the said debentures respectively settle and raise annually during the year 1901 and yearly thereafter until the maturity of the said debentures aggregating $75,000, with respect to the said debentures aggregating $75,000, and during the year 1903 and yearly thereafter until the maturity of the said debentures aggregating $40,000, with respect to the said debentures aggregating $40,000, and levy in such years respectively, with respect to the said debentures, a special rate on all the ratable property in the municipality a sum sufficient for the payment of the principal of the said debenture debt, such sum to be sufficient with the interest estimated at not more than five per cent. and capitalized yearly on the investment thereof, to discharge the principal of the said debts when respectively payable, and except during the said years with respect to the said debentures respectively the corporation of the town of Port Arthur shall not be required to raise or levy any rate to meet the said electric street railway debenture debt, and all moneys heretofore raised, levied and collected or invested in respect thereof may be applied by the corporation in payment of the interest upon the said debenture debt, but the said electric street railway debentures shall continue, until they shall have been redeemed, to be a first preferential charge or lien upon the said electric street railway property and on the net income derived from the working and operation of the said railway, and the said debentures shall be in all respects in full force and valid, except only that the annual rate to be raised and levied to meet the said debenture debt is dispensed with and extended until during the year 1901 with respect to the said debentures aggrega ing $75,000 and thereafter yearly until the maturity of the said debentures aggregating $75,000, and until the year 1903 with respect to the said debentures aggregating $40,000 and thereafter yearly until the maturity of the said debentures aggregating $40,000.

Corporation may purchase electric lighting plant.

2. The corporation of the town of Port Arthur is authorized and empowered to purchase and acquire an electric lighting plant for municipal purposes in connection with the said electric street railway and its council may pass all by-laws requisite and necessary for that purpose.

Sinking fund only after consolidated debt debentures issued.

3. Until consolidated debt debentures shall have been issued in pursuance to *The Port Arthur Debenture Act, 1891* and sold, no annual rate shall be required to be raised, levied or collected to meet the principal of the said debentures debt of the debentures referred to in schedule "C" to this Act, but the said debentures shall be in all respects in full force and valid except that the annual rate to be raised and levied to meet the said debenture debt is dispensed with and extended until the issue and sale of consolidated debt debentures under the said Act, and all moneys heretofore raised, levied or collected or invested in respect of the said debenture debt may be applied by the said corporation in payment of interest on its debenture debt or for the general purposes of the municipality.

Application of 55 V. c. 42, s. 373.

4. It is declared that with respect to the debentures heretofore issued by the corporation of the town of Port Arthur section 373 of *The Consolidated Municipal Act, 1892*, did not nor will apply to the said corporation nor to the members of its council except as to its consolidated debt debentures issued or to be issued, and except as to the said electric street railway debentures respectively on and after the years 1901 and 1903.

Public park debentures may be cancelled and by-laws repealed.

5. The council of the corporation of the town of Port Arthur may by by-law direct its treasurer to cancel the unsold debentures of the said corporation issued for intended park purposes referred to in schedule "D" of this Act, and the said council may repeal the by-laws under which the said debentures were issued, save only with respect to the said by-law of $500 which has been sold, and thereupon the said debentures and by laws (save as aforesaid) shall be respectively cancelled and repealed.

Power to redeem $500 public park debentures.

6. The corporation of the town of Port Arthur is hereby authorized and empowered to redeem the debenture for public park purposes referred to in schedule "E" to this Act by paying the principal thereof with the interest which shall have accrued thereon up to the time of payment.

Settlement of McVicar *vs.* Port Arthur confirmed.

7. The agreement referred to in schedule "F" to this Act respecting the settlement of the action of McVicar *vs.* Port Arthur, being the action referred to in the preamble of this Act, is hereby validated and confirmed.

Pending litigation saved.

8. This Act shall not effect any pending litigation.

Short title.

9. This Act may be cited as *The Port Arthur Act, 1897*.

No. 54.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Town of Port Arthur.

First Reading, 1897.

(Private Bill.)

Mr. CONMEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 54.] **BILL.** [1897.

An Act respecting the Town of Port Arthur.

Preamble. WHEREAS the council of the corporation of the town of Port Arthur has by its petition represented that the debenture debt of the corporation was on the 31st day of December, 1896, as follows: For general purposes, including the purchase money of water front lots for the Canadian Pacific Railway and a bonus to the Dominion Government towards the construction of a breakwater, $50,000; for high school purposes, building and grounds, $12,500; for grounds surrendered to the Crown as represented by the Dominion Government for public buildings, $6,000; for public schools, $10,000; for a bonus to the Port Arthur, Duluth and Western Railway, $25 000; for purchase money of lands for a gravel pit for use in the repair of streets, etc., $2.250; for public parks, $13,500; and for an electric street railway, $75,000 and $40,000, together being $115,000, and for local improvements upon the credit of the municipality at large, $23,475, making a total of debenture liability of $257,725; that under *The Port Arthur Debenture Act, 1891*, the outstanding debenture debt of the corporation then existing aggregating $112.750 (exclusive of its debenture debt for local improvements), was consolidated and the corporation was thereby empowered to issue its consolidated debt debentures payable in not more than thirty years from their issue, and the said Act provided that the corporation should not be relieved from the obligation of continuing to raise sinking funds for the payment of the then outstanding debentures until such outstanding debentures shall have been paid off or redeemed; that $35,000 of the said then outstanding debentures, namely, those for public school purposes and for a bonus to the Port Arthur, Duluth and Western Railway have been redeemed by the issue of consolidated debt debentures under the said *The Port Arthur Debenture Act, 1891*; that the corporation desires when such can be accomplished to redeem the remainder, being $77,750 of its said debenture debt of $112,750 by the issue of consolidated debt debentures under the authority of the said *The Port Arthur Debenture Act, 1891*; that by force of an Act passed in the

56th year of Her Majesty's reign, chaptered 78, the said debentures aggregating $115,000 for electric street railway purposes are a preferential charge or lien on the said railway property and on the net income derived from the working and operating thereof as well as being a debenture debt of the corporation; that the said street railway debentures of $115,000 could not have been and were not sold except at a discount of from five to ten per cent. so that they realized only $104,900 to the corporation; that the cost of construction and equipment of the said electric street railway was $113,489.75 being $8,589.75 beyond the said amount realized for the sale of the said electric street railway debentures; that the said electric street railway has been operated since its inception at a necessary loss, its earnings having been insufficient to meet its working expenses which the corporation had to meet out of its general funds; that the cost to the corporation of the said electric street railway over and above the amount realized from the sale of the said electric street railway debentures and the loss in operating the said electric street railway since its inception together with the amount necessarily still required to place the said electric street railway in a first class condition exceed $20,000, exclusive of interest on the capital invested and losses paid by the corporation in respect of the said electric street railway; that it is necessary and expedient in order to enable the said electric street railway to pay its working expenses and interest and to prevent its being an unsupportable burden on the ratepayers that the corporation should be authorized to purchase out of moneys at the credit of its sinking fund with respect to the said electric street railway debentures a lighting plant in connection with the said electric street railway; that it would not be unjust or inequitable under all the circumstances which have arisen that the corporation be relieved from placing to the credit of a sinking fund any moneys in respect of the said electric street railway debentures until the periods hereinafter mentioned, in view of the cost to the corporation of the said electric street railway over the amounts realized, the deficiency in earnings over working expenses and interest and the expenditure yet necessarily required in order to put the said electric street railway in a first-class condition; that the assessed value of all the real and personal property within the corporation was for the year 1890 being the next year prior to the passing of the said *The Port Arthur Debenture Act, 1891*, $1,745,788; that the assessed value of such real and personal property for the year 1896 was $1,165, 992, being a depreciation in value of $579,797 as between the assessed values in the years 1890 and 1896 respectively; that without exceeding its statutory powers as to the limit of yearly rates the corporation cannot levy rates sufficient to meet its general expenses, debenture, sinking fund and interest and its expenditure for high and public schools and for other proper and necessary municipal purposes; that an expensive and ill-considered system of public parks was undertaken by the corporation without there having been any pro-

vision made for their improvement and maintenance and the said debentures aggregating $13,500 in respect of the purchase money of lands then intended for such public park purposes were authorized by by-law to be issued although of these debentures only a debenture of $500 has been issued and sold; that an action in the High Court of Justice was pending with respect to the purchase money of part of the lands intended for public park purposes by the alleged vendor thereof against the corporation but an agreement has been entered into between such vendor and the corporation for the settlement of the said action; that it would be to the interest of the holders of the corporation's debentures that legislation be enacted to relieve the corporation from placing to the credit of a sinking fund with respect to the said debentures which may be redeemed by consolidated debt debentures under the said *The Port Arthur Debenture Act, 1891*, any sum already raised, levied or collected in respect of such fund and from raising any moneys toward such sinking fund *until the first day of January, 1900* and from raising any moneys towards a sinking fund in respect of the said electric street railway debentures, aggregating $75,000, maturing in the year 1921 until the year 1901 and in respect of the said electric street railway debentures aggregating $40,000, maturing in the year 1923 until the year 1903 and that the corporation be empowered to cancel the said unsold public park debentures aggregating $13,000 and to redeem the said public park debenture for $500 which has been issued by payment thereof with the interest which shall have accrued thereon up to the time of payment; that the by-laws authorizing the issue of the said debentures for public park purposes referred to in the said petition be authorized to be repealed save only with respect to the said debenture of $500 which has been *issued;* and that it would enable the corporation to discharge its debts, obligations and liabilities in full and be conducive to the welfare and interests of the ratepayers and facilitate the municipal business of the corporation and be generally advantageous to the town and its creditors and to the surrounding districts if the special legislation in regard to the several matters above and hereinafter set forth was passed; and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sinking fund only on and after 1901 as to the $75,000 electric street railway debentures; only on and after 1903 as to the $40,000 of those debentures.

1. In and after the year 1901 and yearly thereafter until the maturity of the debentures of the corporation of the town of Port Arthur, aggregating $75,000, issued for its electric street railway expenditure referred to in schedule "A" to this Act, and in and after the year 1903 and yearly thereafter until the maturity of the debentures of the said corporation, aggregating $40,000, also issued for its said electric street railway expeniture referred to in schedule "B" to this Act, the cor-

poration of the town of Port Arthur shall with respect to the said debentures respectively settle and raise annually during the year 1901 and yearly thereafter until the maturity of the said debentures aggregating $75,000, with respect to the said debentures aggregating $75,000, and during the year 1903 and yearly thereafter until the maturity of the said debentures aggregating $40,000, with respect to the said debentures aggregating $40,000, and levy in such years respectively, with respect to the said debentures, a special rate on all the ratable property in the municipality a sum sufficient for the payment of the principal of the said debenture debt, such sum to be sufficient with the interest estimated at not more than five per cent. and capitalized yearly on the investment thereof, to discharge the principal of the said debts when respectively payable, and except during the said years with respect to the said debentures respectively the corporation of the town of Port Arthur shall not be required to raise or levy any rate to meet the said electric street railway debenture debt, and all moneys heretofore raised, levied and collected or invested in respect thereof may be applied by the corporation in payment of the interest upon the said debenture debt, but the said electric street railway debentures shall continue, until they shall have been redeemed, to be a first preferential charge or lien upon the said electric street railway property and on the net income derived from the working and operation of the said railway, and the said debentures shall be in all respects in full force and valid, except only that the annual rate to be raised and levied to meet the said debenture debt is dispensed with and extended until during the year 1901 with respect to the said debentures aggregating $75,000 and thereafter yearly until the maturity of the said debentures aggregating $75,000, and until the year 1903 with respect to the said debentures aggregating $40,000 and thereafter yearly until the maturity of the said debentures aggregating $40,000.

Corporation may purchase electric lighting plant.

2. The corporation of the town of Port Arthur is authorized and empowered to purchase and acquire an electric lighting plant for municipal purposes in connection with the said electric street railway and its council may pass all by-laws requisite and necessary for that purpose.

Sinking fund only after consolidated debt debentures issued.

3. Until the first day of January, 1900, no annual rate shall be required to be raised, levied or collected to meet the principal of the said debentures debt of the debentures referred to in Schedule "C" to this Act, but the said debentures shall be in all respects in full force and valid, except that the annual rate to be raised and levied to meet the said debenture debt is dispensed with and extended until the said first day of January, 1900, or until the issue and sale of consolidated debt debentures under the said Act, if such issue and sale and application of the proceeds thereof to the redemption of the said debentures or any part thereof mentioned in the said Schedule "C"

shall take place before the said first day of January, 1900; and all moneys heretofore raised, levied or collected or invested in respect of the said debenture debt may be applied by the said corporation in payment of interest on its debenture debt or for the general purposes of the municipality.

Application of 55 V. c. 42, s. 373.

4. It is declared that with respect to the debentures heretofore issued by the corporation of the town of Port Arthur section 373 of *The Consolidated Municipal Act, 1892*, shall be deemed not to have applied to the said corporation nor to the members of its council, except as to its consolidated debt debentures already issued or to be issued; and it is hereby further declared, that the provisions of the said section shall hereafter be subject to the provisions of this Act.

Public park debentures may be cancelled and by-laws repealed.

5. The council of the corporation of the town of Port Arthur, is hereby authorized to compromise and settle all outstanding suits and claims (if any) against the corporation, arising out of the by-law passed under *The Public Parks Act*, or in respect of the debentures issued thereunder, and for this purpose to use the sum at the credit of the Park Debenture Fund account, viz: $1,527.36, and to release all claim to the lands expropriated for the purposes of the said Park; and upon the settlement of all outstanding suits and claims (if any) the said council may by by-law direct its treasurer to cancel the unsold debentures of the said corporation issued for intended Park purposes referred to in Schedule "D" of this Act, and the said council may repeal the by-laws under which the said debentures were issued, save only with respect to the said debenture of $500, which has been issued and exchanged for lands conveyed to the said town for the purposes of the said Park, and thereupon the said debentures and by-laws (save as aforesaid) shall be respectfully cancelled and repealed.

Power to redeem $500 public park debentures.

6. The corporation of the town of Port Arthur is hereby authorized and empowered to redeem the debenture for public park purposes referred to in schedule "E" to this Act by paying the principal thereof with the interest which shall have accrued thereon up to the time of payment.

7. It shall be the duty of the treasurer from time to time of the said town to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep and see that he does keep a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued, under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures,

and the application which shall from time to time be made of the said amount, and also the investments which shall from time to time be made of the sinking fund, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Pending litigation saved.

8. This Act shall not effect any pending litigation.

Short title.

9. This Act may be cited as *The Port Arthur Act, 1897.*

SCHEDULE A.

8th March, 1897. Debentures of the Town of Port Arthur for electric street railway purposes.

For what purpose issued.	When issued.	When due.	Numbers of Debentures.	Amount.	Rate of interest.
Electric street railway purposes.....	1st March, 1891 ..	1st March, 1921 ..	1 to 75.....	$75,000 00	5 per cent.

SCHEDULE B.

8th March, 1897. Debentures of the Town of Port Arthur for electric street railway purposes.

For what purpose issued.	When issued.	When due.	Numbers of Debentures.	Amount.	Rate of interest.
Electric street railway purposes.....	1st March, 1895 ..	1st March, 1923 ..	1 to 40	$40,000 00	5 per cent.

SCHEDULE C.

8th March, 1897. Debentures of the Town of Port Arthur for general and other purposes.

For what purpose issued.	When issued.	When due.	Numbers of Debentures.	Amount.	Rate of interest.
General purposes, including purchase money for water lots for dock purposes, and bonus to breakwater.....	14th Nov., 1884 ..	14th Oct., 1904 ...	1 to 10 ..... 16 to 55.....	$50,000 00	6 per cent.
High School purposes.....	1st Aug., 1888....	1st Aug., 1908....	1 to 12	11,500 00	6 "
" " "	1st Feb., 1890....	1st Feb., 1910....	13.....	1,000 00	6 "
Purchase of gravel pit.....	2nd Nov., 1889...	2nd Sept., 1909...	1 to 3	2,250 00	5 "
For grounds for public buildings	1st Aug., 1890....	1st Aug., 1910....	1 to 6	6,000 00	5 "

SCHEDULE D.

8th March, 1897. Debentures of the Town of Port Arthur for public park purposes.

For what purpose issued.	When issued.	When due.	Number of debentures.	Amount.	Rate of interest.
For public park purposes	11th April, 1892	11th April, 1932.....	1 to 13	$13,000 00	5 per cent.

SCHEDULE E.

8th March, 1897. The sold debentures of the debentures of the Town of Port Arthur for public park purposes.

For what purposes issued.	When issued.	When due.	Number of debenture.	Amount.	Rate of interest.
For public park purposes.....	11th April, 1892.....	11th April, 1932	14.....	$500 00	5 per cent.

No. 54.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Town of Port Arthur.

First Reading, 1897.

(*Reprinted as amended by the Private Bills Committee*).

Mr. CONMEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 55.] **BILL.** [1897.

An Act to confirm and legalize a By-law of the Corporation of the Town of Collingwood.

Preamble.

WHEREAS the corporation of the town of Collingwood have by their petition represented that in or about the month of February, 1894, the promoters of the Collingwood Meat Company (Limited) then as yet not formed or incorporated, entered into negotiations with the municipal council of the corporation of the town of Collingwood with a view to the formation of a company and the erection and operation of a large meat curing establishment within the limits of the said corporation. It is alleged by the said promoters that the result of such negotiations was that they, the said promoters, agreed to form a joint stock company with a paid up capital of at least $50,000 and erect suitable buildings within the town of Collingwood and to employ at least 25 hands in carrying on the said industry, on condition that the said municipal corporation would exempt such buildings, plant and machinery for a period of ten years from all municipal rates and taxes and grant water at reduced rates from the corporation system to which conditions the said promoters allege the said municipal corporation agreed as appears by a report presented by the finance committee and adopted in council on the 8th of February, 1894. On the other hand it was asserted by gentlemen who were members of the said municipal council in 1894, that the said council only agreed to grant exemption for ten years from all rates and taxes except school taxes it being pointed out that the council had no authority to exempt from school rates, to which contention the said company reply that if school taxes were mentioned in the said negotiations, it was agreed that they should be assessed at a nominal sum merely, upon which school taxes would be levied. That relying upon such agreement as so understood by them, the said promoters formed a joint stock company with a paid up capital stock of $150,000, acquired a large tract of unproductive land within the limits of the said municipality

and erected thereon large buildings and machinery and began and are now carrying on operations as a first-class meat curing establishment employing over 75 employees all the year round. That since the formation of the said company and the erection of the said buildings school taxes have been levied and collected upon the said buildings, plant and machinery despite the protests of the said company who refused payment of the said school taxes, protested against the imposition of any taxes upon their buildings, plant and machinery, but not against their lands and paid such taxes under protest only after their property had been seized for such taxes and was about being sold and great confusion and disputes have arisen on account of the said levy of taxes as aforesaid. It is also represented in the said petition, that the said meat curing establishment is undoubtedly of great benefit to the said municipality and should be encouraged in every possible way and with this object in view and also for the purpose of amicably settling the said disputes, it has been arranged between the said company and the said municipal corporation, that the said company would abandon any claim they might have for obtaining water and light from the said municipal corporation system at reduced rates and that the said municipal corporation would pass a by-law exempting the buildings except dwelling houses) and the plant and machinery of the said company from all municipal rates and taxes for a period of ten years thus settling all matters in dispute between the parties; and whereas the said municipal corporation have doubts as to whether they have the power to exempt the said building, plant and machinery from school taxes and pray that an Act may be passed confirming and legalizing a by-law of the said corporation exempting the said building, plant and machinery from all municipal rates and taxes for a period of ten years; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to pass by-law exempting from taxation.

1. That a by-law of the municipal corporation of the town of Collingwood, exempting the buildings, plant and machinery (but not dwelling houses) of the Collingwood Meat Company (Limited) from all rates and taxes of the said municipality for a period of ten years, is hereby declared legal, valid and binding upon the said municipal corporation in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, notwithstanding any want of jurisdiction in the said municipality to pass such by-law and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same.

No. 55.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to confirm and legalize a By-law of the Corporation of the Town of Collingwood.

First Reading, 1897.

(Private Bill.)

Mr. PATON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 55.] BILL. [1897.

An Act to confirm and legalize a By-law of the Corporation of the Town of Collingwood.

Preamble.

WHEREAS the corporation of the town of Collingwood have by their petition represented that in or about the month of February, 1894, the promoters of the Collingwood Meat Company (Limited) then as yet not formed or incorporated, entered into negotiations with the municipal council of the corporation of the town of Collingwood with a view to the formation of a company and the erection and operation of a large meat curing establishment within the limits of the said corporation; *and whereas* it is alleged by the said promoters that the result of such negotiations was that they, the said promoters, agreed to form a joint stock company with a paid up capital of at least $50,000 and erect suitable buildings within the town of Collingwood and to employ at least 25 hands in carrying on the said industry, on condition that the said municipal corporation would exempt such buildings, plant and machinery for a period of ten years from all municipal rates and taxes and grant water at reduced rates from the corporation system to which conditions the said promoters allege the said municipal corporation agreed as appears by a report presented by the finance committee and adopted in council on the 8th of February, 1894; *and whereas* on the other hand it was asserted by gentlemen who were members of the said municipal council in 1894, that the said council only agreed to grant exemption for ten years from all rates and taxes except school taxes it being pointed out that the council had no authority to exempt from school rates, to which contention the said company reply that if school taxes were mentioned in the said negotiations, it was agreed that they should be assessed at a nominal sum merely, upon which school taxes would be levied; *and whereas*, relying upon such agreement as so understood by them, the said promoters formed a joint stock company with a paid up capital stock of $150,000, acquired a large tract of unproductive land within the limits of the said municipality

and erected thereon large buildings and machinery and began and are now carrying on operations as a first-class meat curing establishment employing over 75 employees all the year round; *and whereas* since the formation of the said company and the erection of the said buildings school taxes have been levied and collected upon the said buildings, plant and machinery despite the protests of the said company who refused payment of the said school taxes, protested against the imposition of any taxes upon their buildings, plant and machinery, but not against their lands and paid such taxes under protest only after their property had been seized for such taxes and was about being sold and great confusion and disputes have arisen on account of the said levy of taxes as aforesaid; *and whereas* it is also represented in the said petition, that the said meat curing establishment is undoubtedly of great benefit to the said municipality and should be encouraged in every possible way and with this object in view and also for the purpose of amicably settling the said disputes, it has been arranged between the said company and the said municipal corporation, that the said municipal corporation would pass a by-law exempting the buildings (except dwelling houses) and the plant and machinery of the said company from all municipal rates and taxes except school rates for which an annual assessment of $10,000 shall be made upon which school taxes shall be levied and collected for a period of *nine* years from the passing of this Act thus settling all matters in dispute between the parties; and whereas the said municipal corporation have doubts as to whether they have the power to exempt the said building, plant and machinery from school taxes and pray that an Act may be passed confirming and legalizing a by-law of the said corporation exempting the said building, plant and machinery from all municipal rates and taxes except school taxes which shall be collected upon an assessment of $10,000 per annum for a period of *nine* years; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to pass by-law exempting from taxation.

1. That by-law *No. 500*, of the municipal corporation of the town of Collingwood, exempting the buildings, plant and machinery (but not dwelling houses) of the Collingwood Meat Company (Limited) from all rates and taxes except school taxes for which an annual assessment of $10,000 shall be made upon which school taxes only shall be levied of the said municipality for a period of *nine* years, is hereby declared legal, valid and binding upon the said municipal corporation in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, notwithstanding any want of jurisdiction in the said municipality to pass such by-law and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same.

No. 55.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to confirm and legalize a By-law of the Corporation of the Town of Collingwood.

First Reading, 19th March, 1897.

(*Reprinted as amended by Private Bills Committee.*)

Mr. PATON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 56.] **BILL.** 1897.

An Act to incorporate the Toronto Radial Railway Company.

WHEREAS a petition has been presented praying for the incorporation of a company under the name of The Toronto Radial Railway Company; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Samuel Hugh Bradford, Barrister-at-Law; Robert Heber Bowes, Barrister-at-Law; Frank Pedley, Barrister-at-Law; James Dodgson Shields, Civil Engineer; John Arthur Macdonald, Esquire; John Ryan, Broker, and Patrick George Close, Esquire, all of the City of Toronto, together with all such other persons, firms and corporations as shall hereafter become shareholders in the company hereby incorporated, are hereby constituted a body corporate and politic by and under the name of "The Toronto Radial Railway Company," hereinafter called the company. Incorporation.

2. The company may:— Powers of company.

(a) Acquire by purchase, lease or otherwise all or any of the real and personal property, or any right or franchise now or heretofore owned, used, controlled or enjoyed by The Toronto Belt Line Railway Company, or any other railway or street railway company, or any part or parts of any railway or street railway from any person, firm or corporation operating or having the right to operate the same in the city of Toronto, or within fifty miles thereof; and operate the said belt line, or any other such railway or street railway when so acquired, or any part or parts, or extension or extensions thereof within the city of Toronto or within fifty miles there- Acquire property of Toronto Belt Line Railway Company.

of, with such motive power as may be suitable and proper, but the company shall not use steam as a motive power along any street or highway without the consent of the municipality in which such street or highway is situate, which consent any such municipality is empowered to give by resolution of its council.

Improve and extend said belt line.

(b) Improve, repair, reconstruct the said belt line or other railway or street railway, or any part or parts thereof, when so acquired, and extend and operate the same with one or more tracks.

Construct other lines.

(c) Construct and operate a line or lines of railway or street railway, or extend and operate any existing line or lines that the company may acquire within the city of Toronto, or within fifty miles thereof, provided that no such line shall be constructed nor shall any such extension be made unless pursuant to rights already acquired, without the consent of the Lieutenant-Governor in Council, or the council of each municipality through which such line or lines are to be constructed or such extension made.

Buy any or whole of stock of other railway companies.

(d) Amalgamate with or buy out or purchase any or all shares of the capital stock of any company operating or having the right to operate a street or other railway in the city of Toronto, or within fifty miles thereof, and acquire all the rights and privileges of any such company.

Amalgamate with other companies.

(e) Amalgamate, consolidate and operate as one system all or any part of any or all railways or street railways that may be constructed or acquired by the company, together with or without any extension or extensions thereof that may be made by the company.

Leave to purchase or sell electric power.

(f) Purchase or hire electric power from any municipality or other corporation, company or person, and may along any part of its railway sell or lease electricity and electric power to any municipal or other corporation or person, and for these purposes the company shall possess the powers, rights and privileges conferred upon joint stock companies incorporated under the Act respecting companies for steam and heating and for supplying electricity for light, heat or power but the company shall not exercise any powers under the last mentioned Act without the consent of the municipality in which such powers are to be exercised, which consent any such municipality is hereby authorized and empowered to give by resolution of its council.

Power to make agreements as to rolling stock.

(g) Enter into any agreement with any other company or with any persons for leasing, hiring or using any rolling stock, motors or cars from such company or person for such time or times and on such terms as may be agreed upon.

Power to make agreements as to interchange of traffic.

(h) Agree with any other company for the interchange of cars and traffic and for connections and running arrangements.

(*i*) Use the tracks of the Toronto Railway Company for the purpose of running cars, conveying passenger and other traffic to the Union station, the water front, the city markets and the post office, and such other points in the city of Toronto, upon the same terms and with the same rights and privileges as any other company may acquire or enjoy, or in case no other company may enjoy such privileges then and upon such terms as may be agreed upon between the companies, or in case the companies differ, then as may be determined by the Lieutenant-Governor in Council. Right to use tracks of T. R. Co.

3. The number of directors of the company shall be from time to time determined by by-law. Number of directors.

4. All of the provisions of sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, and Schedule A, of chapter 82, Ontario Statutes, 1889, being an Act to incorporate The Toronto Belt Line Railway Company, shall apply to the company and its undertakings in so far as such sections are applicable and not repugnant to or inconsistant with any of the provisoes of this Act. Certain provisions of 52 V. c. 82 to apply.

(*a*) Wherever the words "The Toronto Belt Line Railway Company," or the words "the said company," occur in said sections or in said schedule of said chapter 82, they shall, for the purposes of this Act, be deemed and taken to mean the company hereby incorporated. Application of 52 V. c. 82.

(*b*) All the provisions of *The Railway Act of Ontario*, and amending Acts, in so far as such provisions are applicable and not repugnant to or inconsistant with this Act, or the said sections or said schedule of said chapter 82, shall apply to the company and the undertaking. Rev. Stat., cap. 170, to apply.

(*c*) All of the provisions of section 3 and sections 61 to 80, both inclusive, of *The Electric Railway Act, 1895*, in so far as such provisions are applicable and not repugnant to or inconsistant with the provisions of this Act, or said sections of said chapter 82, or *The Railway Act of Ontario*, shall apply to the company and the undertaking. Certain provisions of 58 V. c. 38 to apply. Rev. Stat. c. 170.

(*d*) All of the provisions of *The Municipal Arbitrations Act*, being chapter 43, Ontario Statutes, 58 Victoria, and amending Acts shall, in so far as they are applicable, apply to the company and the undertaking, and as between the company and persons, firms, trustees, corporations and others from whom the company require to take lands for any purpose under this Act, the official arbitrator for the city of Toronto, or such other person as may be appointed for that purpose by the Lieutenant-Governor in Council, shall be the official arbitrator for the purpose of determining all matters in dispute which under this Act would be the subject of arbitration. 58 V. c. 43 to apply.

Arbitration to be under Municipal Arbitrations Act.

(*e*) Notwithstanding anything contained in any section of the said *Railway Act*, all claims and questions which by this Act or by *The Railway Act of Ontario*, are to be decided by the award of one or more arbitrators shall be heard and determined by the "Official Arbitrator" appointed in pursuance of *The Municipal Arbitrations Act* and said last mentioned Act shall for the purpose of the company be incorporated with and be deemed to be part of this Act, and the provisions of any section of *The Railway Act of Ontario* in so far as the same are inconsistent with or repugnant to the provisions of *The Municipal Arbitrations Act* shall not apply to the company or to the undertaking.

Applications of 55 V. c. 48, s. 29, and s. 34, s.s. 2.

(*f*) Section 29 and subsection 2 of section 34 of *The Consolidated Assessment Act, 1892*, shall apply to this Act and to the company.

First meeting for election of directors.

5. When, and so soon as shares to the amount of $50,000 of the capital stock in the company shall have been subscribed or allotted and ten per centum paid up by the respective holders thereof and paid into some chartered bank of the Dominion having an office in the Province of Ontario to the credit of the company, and which shall on no account be withdrawn therefrom, unless for the services of the company, the provisional directors shall call a meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the city of Toronto, in the county of York, of the time, place and purpose of such meeting, and at such meeting the shareholders present either in person or by proxy who shall at the opening of such meeting have so paid ten per centum on the stock held by them, shall elect not less than five or more than nine persons to be directors of the company, who shall constitute a board of directors. The directors so elected shall hold office until the next general annual meeting. The directors may employ and pay one of their number as a managing director or general manager and another as secretary.

Filling vacancies.

6.—(1) In case of the death, absence or resignation of any of the directors, others shall unless otherwise prescribed by the by-laws, be appointed in their stead by the surviving directors; but if such appointment is not made such death, absence or resignation shall not invalidate the acts of a quorum or of a majority of the remaining directors.

Election of president and vice-presidents.

(*a*) The directors shall, at their first or at some other meeting after the election, elect one of their number to be the president of the company, who shall always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, or until

another president has been elected in his stead ; and they may in like manner, elect one or more vice-presidents, one of whom shall act as chairman in the absence of the president.

Quorum may exercise rights of directors.

(*b*) The directors, at any meeting at which not less than a quorum are present, shall be competent to use and exercise all and any of the powers vested in the directors.

Act of majority to bind whole board.

(*c*) The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors.

Chairman to have casting vote.

(*d*) No director shall have more than one vote except the chairman, who shall, in case of a division of equal members, have the casting vote.

Vice-president may perform duties of president.

(*e*) In case of the death, absence or incapacity of the president, the vice-president shall have all the rights and powers of the president and may sign all notes, bills, debentures and other instruments, and perform all acts which, by the regulations and by-laws of the company, or by this Act, are required to be signed, performed and done by the president, but if there be more than one vice-president, the first vice-president shall, if present, act as president in case of the death, absence or incapacity of the president. In case of the death, absence or incapacity of the president and the first vice-president the duties of president shall devolve upon the second or third vice-president in their numerical order, or upon any director appointed by the board to act as president.

Certificate as to death, etc., of president.

(*f*) The directors may, at any meeting of directors, require the secretary to enter such death, absence or incapacity among the proceedings of such meeting: and a certificate thereof signed by the secretary, shall be delivered to any person requiring the same, on payment to the treasurer of one dollar, and such certificate shall be taken and considered as *prima facie* evidence of such death, absence or incapacity, at and during the period in the said certificate mentioned in all proceedings in courts of justices or otherwise.

Rights of aliens.

(*g*) Aliens as well as British subjects whether residents in Canada or elsewhere, may be shareholders in the company and all of such shareholders shall be entitled to vote on their shares equally with British subjects and shall be also eligible to hold office as directors or otherwise in the company and in all other ways shall enjoy all the rights and privileges of shareholders as they could do if British subjects.

Election of new Board.

(*h*) Upon the directors at any time passing a resolution declaring that in the opinion of the Board a new election of directors would be expedient, desirable and in the interest of the company, a special meeting of the shareholders shall be convened and held within ten days from the date of the passing of such resolution and a written or printed notice mailed or delivered to the last known address of each shareholder at

least two clear days before the date of such meeting, or the publication thereof in one issue of the *Ontario Gazette* and once in one newspaper published in the city of Toronto, shall be sufficient notice thereof. The shareholders shall at such meeting proceed to elect a new board of directors, any and all members of the old board being eligible for re-election if otherwise qualified; and the board that passed the resolution shall remain in office until the new board shall have been elected; and upon the election of the new board the old board shall thereupon cease to exist.

Term of directors elected under preceding subsection.

(i) Any board of directors elected pursuant to the provisions of the last preceding subsection shall remain in office only until the next annual general meeting of the shareholders, or in case of there being no election at the annual general meeting, then until their successors have been duly elected, unless such board be sooner dissolved by resolution as provided by the last preceding subsection.

Shareholders' by-laws.

7. The shareholders may make any by-law or by-laws that the company may lawfully make, and no by-law enacted and passed by the shareholders, shall be subject to appeal or amendment except by the shareholders.

(a) Any by-law enacted by the shareholders shall have precedence and shall prevail over and against any by-law inconsistent therewith which has been or that may be enacted by the directors.

(d) Nothing in this section contained shall be taken or construed to mean that the power of the directors to enact, repeal, re-enact or amend any and all by-laws that the company may lawfully make is in any way lessened or abridged except in so far as this section expressly provides.

(e) The directors shall be subject to the examination and control of the shareholders at their annual or other meetings, and shall be subject to all by-laws of the company, and to the orders and directions from time to time made or given at the annual or special meetings; but such orders and directions shall not be contrary to any express directions or provisions of this Act.

Certain payments may be made in paid-up stock or bonds.

8. The directors may pay in paid-up stock or in the bonds of the company, or in both, such sums as they may deem expedient to engineers or others for plans, surveys, right of way, plant or material.

Contracts for construction.

(a) The directors of the company may from time to time enter into a contract or contracts with any individual or association of individuals, or body corporate, for the construction or equipment of the undertaking or any part or parts thereof including or excluding the purchase of all necessary lands,

such contract or contracts may provide that the company may pay therefor either in the whole or in part, either in cash or bonds or in paid-up stock of the company.

Capital stock.

9. The amount of the capital stock of the company shall be $2,000,000.

Number of shares.

(a) The number of shares shall be 20,000 and the amount of each share shall be $100.

Preferred stock.

(b) Ten thousand of the said shares shall be preferred stock, and ten thousand shares shall be common stock, and no dividend shall be paid on the latter in any year until a dividend of at least four per cent. shall have been paid or declared in favor of the former in such year.

Redemption and cancellation of preferred stock.

(c) The company may from time to time redeem or buy in for cancellation any or all of the preferred stock, without the consent of the owners or holders thereof, upon re-payment of the amount paid or accredited thereon, together with all unpaid divideds that may have been declared thereon.

Company may redeem preferred stock.

(d) The company may from time to time buy in for cancellation all or any of the preferred shares of the company for such price or prices, and upon such terms as may be agreed upon by the company and any holder or holders of such shares.

May receive surrender of such.

(e) The company may receive a transfer or surrender in writing of any preferred shares that may be purchased or bought in for cancellation pursuant to any of the provisions of the two last preceding subsections.

Capital stock may be increased.

(f) The capital stock of the company may from time to time be increased in the manner provided by *The Railway Act of Ontario*. Any such increase may consist of common stock or preferred stock, or both.

Allotment of money.

10. In procuring subscriptions for stock, or in selling forfeited or other stock, the directors may allot such stock in such amounts, and subject to the payment of such calls of each amount at such times and at such discount as they think fit, or they may agree for the sale of such stock, or any part thereof, at such price at they think fit and for payment of the price at the time of subscription or by instalments. Any amount as and when payable under this section shall be deemed to be money due by a shareholder in respect of a call on shares.

(a) When shares have been issued and delivered as fully paid-up shares, and when the company has certified under its corporate seal that the person, firm or corporation named in such certificate is the holder of such shares, the shares referred to as being so held shall be deemed to be fully paid-up shares and non-assessable, and the holder or holders of such shares shall not be liable to the company, or the creditors of the company in any way whatsoever in respect of such shares.

Borrowing powers.

11. The directors may borrow from time to time, either in this province or elsewhere, upon the credit of the company, such sum or sums of money as may be deemed expedient for completing, maintaining or working the railway or system or systems of railways, or any part or parts thereof, or for any of the purposes of the company, and at a rate of interest authorized by the laws of Canada, but not exceeding six per cent. per annum, and may make the principal and interest of the bonds, debentures or other securities or any part or parts thereof granted for the sums so borrowed, payable either in Canadian currency, or in sterling money of the United Kingdom of Great Britain and Ireland, or in the currency of any foreign state or states, and at such place or places within this province, or without, as may be deemed advisable, and may sell the same at such prices or discount as may be deemed expedient, or be necessary, and may hypothecate, mortgage or pledge the lands, tolls, revenues, franchises and agreements, or any right or privilege or rights, and privileges thereunder, and other property of the company real and personal already acquired or to be acquired for the due payment of the said sums and the interest thereon, but no such bond or debenture shall be for a less sum than $100.

Bonded indebtedness not to exceed $1,500 per mile.

(*a*) Such bonded indebtedness shall not exceed fifteen thousand dollars per mile of single track or thirty thousand dollars per mile of double track without the consent of the Lieutenant-Governor in Council.

Company may mortgage whole or part of undertaking.

(*b*) The company may make one or more mortgages to secure any sum or sums to be borrowed under the authority of this section, such mortgage or mortgages may be made upon the whole or upon any part or parts of the company's real and personal property, franchises, agreements, tolls and revenues already acquired or to be acquired.

Scope of mortgages.

(*c*) Any mortgage made to secure any bond or debenture issue or issues made or to be made in pursuance of the provisions of this section shall be a charge upon the franchises, tolls, revenues, agreements and other property and assets of the company, real and personal, according to the tenor of such mortgage to the full extent of the company's present or future interest in such mortgaged property and "*The Act respecting chattel mortgages and sales of personal property*" or any Act requiring the registration or renewal of mortgages of chattels shall not apply to any mortgage made by the company or the lands or other property mortgaged thereby; and no writ of execution placed in the office of any sheriff after the depositing, filing or registration of such mortgage as required by law shall apply to such mortgage or to the property mortgaged thereby to the prejudice of any bondholder holding bonds secured by such mortgage, whether such bond or bonds be issued at the time of the registration or depositing of such mortgage or mortgages or subsequently.

Chattel mortgage Acts not to apply to mortgaged property.

(*d*) The directors may decide upon and adopt the form of said bonds, debentures or other securities and of the mortgage or mortgages to secure the same, and may determine the denomination or denominations of the bonds, debentures or other securities (being not less than $100 each), the date of their maturity, the rate of interest thereon, the place and date when coupons shall be payable, and make all provisions as to the payment or cancellation and re-issue of such bonds, debentures, or other securities at or before maturity, as they may deem expedient, and shall have full power to make and carry out the said issue of bonds, debentures, or other securities, and the terms of the mortgage or mortgages, to secure the same, in all respects with all provisions and conditions not contrary to law which they may deem proper and neecssary. Holders of bonds in default may organize new company.

(*e*) All such bonds, debentures, or other securities shall have the seal of the company attached thereto and shall be signed by the president or a vice-president, or other presiding officer, or a director of the company designated by the board for that purpose, and by the secretary or managing director, or by any other person to be designated by the board to act in the place of the secretary or the managing director, and that the signature of the secretary, managing director or other person to be designated by the board to sign the coupons, may be engraved on the coupons, and shall be as valid as his original signature. Bonds, etc., how signed.

(*f*) The instrument or instruments of hypothecation, mortgage or pledge may be to a trustee or trustees, to be approved of by the board of directors, and such arrangements and agreements may be made with the trustee or trustees as the board may deem proper in connection with the trust. Mortgage may be to trustees.

(*g*) In the event of the company making default in the payment of bonds or debentures secured by mortgage upon all of the company's real and personal property, franchises agreements, tolls and revenues acquired or to be acquired and in the event of the bondholders foreclosing such mortgage, the bondholders or the persons, firms and corporations purchasing all of the mortgaged property under power of sale or holding the same after foreclosure may make application to the Lieutenant-Governor in Council, who may, by special Letters Patent, create the applicants into a company by any appropriate name that the Lieutenant-Governor in Council may approve other than the name of the original company, and upon the formation of such company it shall be vested with all the powers and be subject to all the conditions of this Act, and the defaulting company shall from the date of the incorporation of the new company cease to exist, except for winding-up purposes, provided always that no such company shall be formed with less than seven corporators, and provided also that if the bonds held by the bondholders or others forming a company under this subsection be secured by second or subsequent mortgages, the Formation of new company.

formation of such new company shall in no wise prejudice prior mortgagees or their successors from exercising in like manner all the powers conferred upon them and their successors by this subsection, provided further, that all of the bondholders secured by any one mortgage may elect to become corporators, and unless the incorporating bondholders shall have made provision for the payment of such bondholders of the same rank and class as may not elect to become corporators, the Lieutenant-Governor-in-Council may, in the special letters patent, provide that the bonds of such last-mentioned shareholders shall remain a charge upon the mortgaged property, and the rights of such last-mentioned bondholders shall in no way be prejudiced by the issue of the special letters patent or the incorporation of the new company.

Provision for payment of certain bonds upon formation of new company.

Hypothecations of securities for advances.

(*h*) The directors may from time to time, for advances in money to be made thereon, hypothecate, mortgage or pledge any bonds, debentures or other securities which they may issue pursuant to the provisions of this Act for the carrying out of the undertaking or otherwise for any lawful purpose, or the directors may deliver any or all of such bonds, debentures or other securities to contractors or others for lands acquired or to be acquired, work done or to be done, or for materials furnished or to be furnished in the carrying out of the undertaking or any part or parts thereof.

Conveyances to be registered in Provincial Secretary's office,

(*i*) Any conveyance of the undertaking, or any part or parts thereof, and any mortgage deed of trust made by the company to secure any issue or issues of bonds, debentures or other securities of the company may be deposited with the Provincial Secretary for Ontario, and such deposit when made shall be in lieu of registration in any registry office or offices where registration ought to be made but for the provisions of this subsection, and such mortgage or mortgages shall rank and take precedence of each other in the order of such deposit, in the same manner as if registered in such registry office or offices, but this subsection shall not apply to any mortgage or mortgages given in payment or part payment for purchase money for lands required for right of way or otherwise for the undertaking, or to any conveyance made by the company of lands not required or necessary for the undertaking.

Interpretation.

(*j*) Where the word "bond" is used in this section it shall also mean "debenture," and where the word "debenture" is used it shall be taken to include and mean "bond" also, and the word "bondholders" shall also include and be taken to mean "debenture-holder."

When property freed from mortgage.

(*k*) If the trustees for the time being, under the said mortgage deed, or any mortgage deeds which may at any time be executed as provided in this Act, shall at any time, under the terms thereof, release or reconvey to the company or otherwise discharge from the operation of such mortagage deed or deeds

any of the properties, real or personal, comprised in such mortgage deed or deeds, then such mortgage deed or deeds and the preferential claim and charge so created shall cease to apply to the properties so released, reconveyed or otherwise discharged, and the same shall be absolutely freed therefrom.

As to operating other lines.

12. Upon the company purchasing or otherwise acquiring all of the business, including the real and personal property, rights, agreements, privileges and franchises of any other company pursuant to the provisions of this Act, the company may operate the line or lines of railway and carry on the business so acquired in the same manner and with all of the powers of the company from whom the line or lines of railway or business was acquired.

Paying for other lines in bonds, securities, etc.

(*a*) In making any such purchase the company may, pursuant to the terms of such purchase pay for the same in bonds, debentures or other securities of the company, and may secure such bonds, debentures or other securities by mortgage upon the property, rights, privileges and franchises so purchased or acquired, and such mortgage until discharged or paid shall take precedence and rank before any mortgage that may hereafter be made by the company, or any judgment or writ of execution against the company, but such priority shall only apply to the property conveyed to the company for and in consideration of such bonds or mortgage, or both.

With mortgage.

(*b*) The company may give a mortgage or mortages to secure all or any of the purchase money for lands or right of way, or other purposes and any mortgage so given in payment or part payment for any lands or any of the purposes of the company shall until paid or satisfied or discharged or annulled, have priority over any other mortgage that may hereafter be given by the company, or any judgment or writ of execution against the company, but such priority shall only apply to the lands conveyed to the company in consideration of such mortgage.

Form of conveyance to company.

13. Conveyances of land to the company for the purpose of this Act, made in the form set out in schedule A to this Act, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate, or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario: and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicate thereof.

Registration fee.

SCHEDULE A.

(*Section 13.*)

Know all men by these presents, that I, in consideration of dollars paid to me by The Toronto Radial Railway Company, (the receipt whereof is hereby acknowledged) do grant and convey unto the company *(here insert description of lands)*

the same having been selected and laid out by the company for the purposes of their undertaking, to hold, with the appurtenances unto the company their successors or assigns forever.

(*Here insert any other clause, covenant or condition required.*)

And I, the wife of the said do. hereby bar my dower in the said lands.

As witness my hand and seal this day of 1

Signed, sealed and delivered }
in the presence of }

No. 56.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to incorporate the Toronto Radial Railway Company.

First Reading, 1897.

(Private Bill.)

Mr. St. John.

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 57.] BILL. [1897.

An Act respecting a short form of certain Municipal By-laws.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Words in column one of schedule when used to have same effect as words in column two.

1. Where a by-law made according to the form set forth in schedule "A" annexed to this Act or any other by-law expressed to be made in pursuance of this Act or referring thereto, passed by any municipal council for borrowing money by the issue of debentures secured by local special rates on the property benefitted thereby, contains any of the forms of words contained in column one of schedule "B" hereto annexed and distinguished by any number therein, such by-laws shall be taken to have the same effect and be construed as if it contained the form of words contained in column two of said schedule "B," and distinguished by the same number as is annexed to the form of words used in such by-laws, but it shall not be necessary in any such by-law to insert any such number.

Effect of by-laws failing to take effect under Act.

2. Any by-law which fails to take effect by virtue of this Act shall, nevertheless, be as effectual to bind the corporation, the council of which had passed such by-law as if this Act had not been passed.

Schedules incorporated with Act.

3. The schedules hereto and the directions and forms therein contained shall be deemed parts of this Act.

Act incorporated with 55 V. c. 42.

4. This Act shall be read with and as party of *The Consolidated Municipal Act, 1897.*

SCHEDULE A.

Form of By-law under Section 1 down to the enacting sections thereof.

A By-law to provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on (*King Street between Yonge Street and Church Street, in ward number two*), for the paving of said portion of said street.

(Passed 18 .)

Whereas, upon the recommendation of the city engineer and in the opinion of the council of the corporation of it became desirable and necessary to pave with asphalt paving and stone curbing, (*or* as the case may be), part of *King Street between Yonge Street and Church Street, in ward number two of this* as a local improvement, and the said Council thereupon gave due notice of their intention to pass a by-law for that purpose, and to assess and levy the cost of such improvement and work upon the real property fronting or abutting upon *King Street*, within the limits hereinafter described, pursuant to the provisions of the statutes in that behalf;

And whereas although duly notified as aforesaid, the majority of the owners of such real property, representing at least half of the value thereof, have not petitioned the said Council against the said work and assessment;

And whereas it has been ascertained and determined that the real property comprised within the following limits, that is to say:—

1. Commencing at a point on the north side of *King Street at its intersection with the east side of Yonge Street, thence easterly parallel with the north side of King Street feet, more or less, to the west side of Church Street, being the frontage on the north side of King Street, from Yonge Street to Church Street*, producing, after deducting the width of feet for street intersections and exempt properties, as shown by report of city Engineer, feet, more or less, of frontage assessable on the north side of the street.

2. Commencing at a point on the *south side of King Street, at its intersection with the east side of Yonge Street*; *thence easterly parallel with the south side of King Street feet, more or less, to the east side of Church Street, being the frontage on the south side of King Street, from Yonge Street to Church Street*, producing after deducting the width of feet for street intersections and exempt properties as shown by the report of the City Engineer, feet, more or less, of frontage assessable on the south side of the street; or, a total of feet, more or less, of assessable property on both sides of *King Street*, aforesaid, immediately, directly, equally and especially benefitted by the said improvement;

And whereas the total assessed value of the said property is $

And whereas the said pavement has been laid, and the total cost thereof is the sum of $, of which amount the city disburses the sum of $, being the cost of laying down the said pavement opposite the said street intersections and exempt properties; and the remaining $ is to be defrayed by the ratepayers, and is the amount of the debt to be created by this by-law;

And whereas it will require the sum of $ to be raised annually for a period of years, the currency of the debentures to be issued under and by virtue of this by-law, to pay the interest of the said debt, and the sum of $ to be raised annually during the said period for the payment of the debt to be created by this by-law, such

last mentioned sum being sufficient, with the estimated interest on the investment thereof, to discharge the said debt when the same becomes payable, making in all the sum of $ to be raised annually as aforesaid ;

And whereas there are feet of frontage of the said assessable real property on both sides of (*King Street*), within the limits aforesaid according to the said description, immediately, directly, equally and specially benefitted by the said improvement and work, upon which it will be required to charge an annual special rate per foot, sufficient to pay the interest and create an annual sinking fund for paying the said principal debt of $ within years, which said debt is created on the security of the special rate settled by this by-law, and on that security only ;

And whereas it is expedient to raise the said sum of $ by debentures of the corporation of to defray that part of the expense of said work payable by local special rates.

Therefore the municipal council of the corporation of enacts as follows :—

SCHEDULE B.

Directions as to the forms in the Schedules.

1. Insert in the blanks in the short forms the number of years the rate is to be raised, the sum to be raised for interest and sinking fund, the rate to be imposed on each foot and other particulars.

Column One.

1. During years $ shall be raised for interest and $ for debt, making together $

2. A special rate of per foot is imposed on each foot of above described property to produce $ and shall be collected by collector of taxes as other rates.

3. During years commencing with 189 above described property shall be exempt from general rates for improvements.

Column Two.

1. During years, the currency of the debentures to be issued under the authority of this by-law the sum of $ shall be raised annually for the payment of interest on said debentures and also the sum of $ shall be raised annually for the payment of the debt, making in all the sum of $ to be raised annually as aforesaid.

2. A special rate of per foot is hereby imposed on the real property above described, according to the frontage thereof, over and above all other rates and taxes, which special rate shall be sufficient to produce in each year the said sum of $, and shall be annually inserted on the collector's roll for ward number two in each year for the next succeeding years and shall be payable to and collected by in the same way as other rates on the said roll.

3. During the period of years commencing from and after the first day of January, A. D. 189 , the said above described real property shall be exempt from all

general rates or assessments for improvements and works similar to those above mentioned, save and except the cost of similar works and improvements at the intersection of streets, and except such portion of the general rate as may be imposed to meet the cost of like works and improvements opposite real property which is exempt from such special assessment.

4. $ shall be raised by loan on above special rate and debentures therefor shall be issued.

4. The sum of $ shall be raised by loan by this corporation on the security of the special rate hereby imposed, and on that security only; and debentures amounting to the sum of $ shall be issued by the said corporation therefor.

5. Debentures shall be payable years after issue, and shall bear per cent. interest.

5. The said debentures shall be made payable at the expiration of years from the date of issue of the same, and bear interest at the rate not exceeding per cent. per annum.

6. Debentures may be made payable anywhere, in any currency, and proceeds thereof shall be used in paying off loans for work (if any).

6. The debentures may, both as to principal and interest, be payable in any place in Great Britain, in the United States of America or Canada, and may be expressed in sterling money or in any other currency, and may be made payable in gold, and the amount to be raised thereon shall be paid out and expended in paying off and discharging any temporary loans heretofore obtained on account of the said improvement and works and in no other way and for no other purpose whatsoever.

7. Owners may commute assessment by paying per foot in first year and a proportionately reduced rate for the years collected.

7. If at any time any of the owners of the said real property hereinbefore described, or of any part thereof, desire to commute the assessment imposed by this by-law by the payment of his, her or their proportionate share or shares of the cost thereof as a principal sum in lieu thereof, he, she or they may so commute by the payment of per foot on his, her or their property on street aforesaid, at any time during the first year after the passing of this by-law, or in any subsequent year, by the payment of such sum as may be necessary to realize at the end of the currency of such debentures a sum equivalent to the balance then unpaid of the said annual special rate thereon,

8. Moneys received from special rate or commutation shall be invested.

8. All moneys arising out of the said annual special rate and all moneys received in commutation thereof under the preceding section of this by-law, shall be invested by the treasurer of this municipality from time to time as the law directs.

9. Debentures shall contain provision of section 410 of *The Consolidated Municipal Act, 1892.*

9. Every debenture to be issued hereunder shall contain a provision in the following words :—' This debenture, or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this municipal corporation, be transferable except by entry by the treasurer or his deputy in the debenture registry book of said corporation of .

10. Debentures shall be subject to consolidation.

10. The amount of debentures authorized to be issued under this by-law is subject to consolidation by including the same in a collective or cumulative by-law to be hereafter passed, consolidating the same with other amounts authorized, or to be authorized, by other local improvement by-laws, and under which consolidating by-law the required debentures to provide for the amounts to be raised under this and said other individual by-laws shall be issued in a consecutive issue, as shall in said consolidating by-law be more particularly enacted in that behalf.

11. This by-law to take effect now.

11. This by-law shall come into operation and take effect on the day of the passing hereof.

No. 57.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting a short form of certain Municipal By-laws.

First Reading, 17th March, 1897.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 57.] BILL. [1897.

An Act respecting a short form of certain Municipal By-laws.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Words in column one of schedule when used to have same effect as words in column two.

1. Where a by-law made according to the form set forth in schedule "A" annexed to this Act or any other by-law expressed to be made in pursuance of this Act or referring thereto, passed by any municipal council for borrowing money by the issue of debentures secured by local special rates on the property benefitted thereby, contains any of the forms of words contained in column one of schedule "B" hereto annexed and distinguished by any number therein, such by-laws shall be taken to have the same effect and be construed as if it contained the form of words contained in column two of said schedule "B," and distinguished by the same number as is annexed to the form of words used in such by-laws, but it shall not be necessary in any such by-law to insert any such number.

Effect of by-laws failing to take effect under Act.

2. Any by-law which fails to take effect by virtue of this Act shall, nevertheless, be as effectual to bind the corporation, the council of which had passed such by-law as if this Act had not been passed.

Use of form to be optional.

3. Nothing herein contained shall require any municipality to adopt the said form of by-law.

Schedules incorporated with Act.

4. The schedules hereto and the directions and forms therein contained shall be deemed parts of this Act.

Act incorporated with 55 V. c. 42.

5. This Act shall be read with and as party of *The Consolidated Municipal Act, 1897.*

SCHEDULE A.

Form of By-law under Section 1 down to the enacting sections thereof.

A By-law to provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on (*King Street between Yonge Street and Church Street, in ward number two*), for the paving of said portion of said street.

(Passed 18 .)

Whereas, upon the recommendation of the city engineer and in the opinion of the council of the corporation of it became desirable and necessary to pave with asphalt paving and stone curbing, (or as the case may be), part of *King Street between Yonge Street and Church Street, in ward number two of this* as a local improvement, and the said Council thereupon gave due notice of their intention to pass a by-law for that purpose, and to assess and levy the cost of such improvement and work upon the real property fronting or abutting upon *King Street*, within the limits hereinafter described, pursuant to the provisions of the statutes in that behalf;

And whereas although duly notified as aforesaid, the majority of the owners of such real property, representing at least half of the value thereof, have not petitioned the said Council against the said work and assessment;

And whereas it has been ascertained and determined that the real property fronting or abutting upon the lines described as follows, that is to say:—

1. Commencing at a point on the north side of *King Street at its intersection with the east side of Yonge Street, thence easterly parallel with the north side of King Street feet, more or less, to the west side of Church Street, being the frontage on the north side of King Street, from Yonge Street to Church Street*, producing, after deducting the width of feet for street intersections and exempt properties, as shown by report of city Engineer, feet, more or less, of frontage assessable on the north side of the street.

2. Commencing at a point on the *south side of King Street, at its intersection with the east side of Yonge Street; thence easterly parallel with the south side of King Street feet, more or less, to the east side of Church Street, being the frontage on the south side of King Street, from Yonge Street to Church Street*, producing after deducting the width of feet for street intersections and exempt properties as shown by the report of the City Engineer, feet, more or less, of frontage assessable on the south side of the street; or, a total of feet, more or less, of assessable property on both sides of *King Street*, aforesaid, immediately, directly, equally and especially benefitted by the said improvement;

And whereas the total assessed value of the said property is $

And whereas the said pavement has been laid, and the total cost thereof is the sum of $, of which amount the city disburses the sum of $, being the cost of laying down the said pavement opposite the said street intersections and exempt properties; and the remaining $ is to be defrayed by the ratepayers, and is the amount of the debt to be created by this by-law;

And whereas it will require the sum of $ to be raised annually for a period of years, the currency of the debentures to be issued under and by virtue of this by-law, to pay the interest of the said debt, and the sum of $ to be raised annually during the said period for the payment of the debt to be created by this by-law, such

last mentioned sum being sufficient, with the estimated interest on the investment thereof, to discharge the said debt when the same becomes payable, making in all the sum of $ to be raised annually as aforesaid ;

And whereas there are feet of frontage of the said assessable real property on both sides of (*King Street*), within the limits aforesaid according to the said description, immediately, directly, equally and specially benefitted by the said improvement and work, upon which it will be required to charge an annual special rate per foot, sufficient to pay the interest and create an annual sinking fund for paying the said principal debt of $ within years, which said debt is created on the security of the special rate settled by this by-law, and on that security only ;

And whereas it is expedient to raise the said sum of $ by debentures of the corporation of to defray that part of the expense of said work payable by local special rates.

Therefore the municipal council of the corporation of enacts as follows :—

SCHEDULE B.

Directions as to the forms in the Schedules.

1. Insert in the blanks in the short forms the number of years the rate is to be raised, the sum to be raised for interest and sinking fund, the rate to be imposed on each foot and other particulars.

Column One.	*Column Two.*
1. During years $ shall be raised for interest and $ for debt, making together $	1. During years, the currency of the debentures to be issued under the authority of this by-law the sum of $ shall be raised annually for the payment of interest on said debentures and also the sum of $ shall be raised annually for the payment of the debt, making in all the sum of $ to be raised annually as aforesaid.
2. A special rate of per foot is imposed on each foot of above described property to produce $ and shall be collected by collector of taxes as other rates.	2. A special rate of per foot is hereby imposed on the real property above described, according to the frontage thereof, over and above all other rates and taxes, which special rate shall be sufficient to produce in each year the said sum of $, and shall be annually inserted on the collector's roll for ward number two in each year for the next succeeding years and shall be payable to and collected by in the same way as other rates on the said roll.
3. During years commencing with 189 above described property shall be exempt from general rates for improvements.	3. During the period of years commencing from and after the first day of January, A. D. 189 , the said above described real property shall be exempt from all

general rates or assessments for improvements and works similar to those above mentioned, save and except the cost of similar works and improvements at the intersection of streets, and except such portion of the general rate as may be imposed to meet the cost of like works and improvements opposite real property which is exempt from such special assessment.

4. $ shall be raised by loan on above special rate and debentures therefor shall be issued.

4. The sum of $ shall be raised by loan by this corporation on the security of the special rate hereby imposed, and on that security only; and debentures amounting to the sum of $ shall be issued by the said corporation therefor.

5. Debentures shall be payable years after issue, and shall bear per cent. interest.

5. The said debentures shall be made payable at the expiration of years from the date of issue of the same, and bear interest at the rate not exceeding per cent. per annum.

6. Debentures may be made payable anywhere, in any currency, and proceeds thereof shall be used in paying off loans for work (if any).

6. The debentures may, both as to principal and interest, be payable in any place in Great Britain, in the United States of America or Canada, and may be expressed in sterling money or in any other currency, and may be made payable in gold, and the amount to be raised thereon shall be paid out and expended in paying off and discharging any temporary loans heretofore obtained on account of the said improvement and works and in no other way and for no other purpose whatsoever.

7. Owners may commute assessment by paying per foot in first year and a proportionately reduced rate for the years collected.

7. If at any time any of the owners of the said real property hereinbefore described, or of any part thereof, desire to commute the assessment imposed by this by-law by the payment of his, her or their proportionate share or shares of the cost thereof as a principal sum in lieu thereof, he, she or they may so commute by the payment of per foot on his, her or their property on street aforesaid, at any time during the first year after the passing of this by-law, or in any subsequent year, by the payment of such sum as may be necessary to realize at the end of the currency of such debentures a sum equivalent to the balance then unpaid of the said annual special rate thereon.

8. Moneys received from special rate or commutation shall be invested.

8. All moneys arising out of the said annual special rate and all moneys received in commutation thereof under the preceding section of this by-law, shall be invested by the treasurer of this municipality from time to time as the law directs.

9. Debentures shall contain provision of section 410 of *The Consolidated Municipal Act, 1892.*

9. Every debenture to be issued hereunder shall contain a provision in the following words :—"This debenture, or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this municipal corporation, be transferable except by entry by the treasurer or his deputy in the debenture registry book of the said corporation *at the town or village of or to the like effect.*

10. Debentures shall be subjec to consolidation.

10. The amount of debentures authorized to be issued under this by-law is subject to consolidation by including the same in a collective or cumulative by-law to be hereafter passed, consolidating the same with other amounts authorized, or to be authorized, by other local improvement by-laws, and under which consolidating by-law the required debentures to provide for the amounts to be raised under this and said other individual by-laws shall be issued in a consecutive issue, as shall in said consolidating by-law be more particularly enacted in that behalf.

11. This by-law to take effect now.

11. This by-law shall come into operation and take effect on the day of the passing hereof.

No. 57.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting a short form of certain Municipal By-laws.

First Reading, 17th March, 1897.
Second Reading, 25th March, 1897.

(Reprinted as amended in Committee of the Whole House.)

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellen Majesty.t

No. 58.] **BILL.** [1897.

An Act with reference to the registration of instruments in respect of Unpatented Lands, and the valuation of Mining Lands for the purpose of Assurance under The Lands Titles Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Instruments affecting unpatented lands in certain districts not to be registered in Registry Office.

1. No instrument affecting any land in any of the districts of Muskoka, Parry Sound, Nipissing, Thunder Bay or Rainy River, or in any part of the District of Algoma outside the District of Manitoulin which is unpatented, or which has or may be patented by the Government of Ontario since the 31st day of December, 1887, shall hereafter be registered in a registry office, but any person claiming any interest in any such land may as heretofore lodge with the Local Master a caution under section 68 of *The Land Titles Act*. [*All lands in these districts patented since 31st December, 1887, have been registered in the offices of Land Titles. See R. S. O. 1887, c. 116, s. 141.*]

Rev. Stat. c. 116.

Registration to cease to have effect after two years from Act.

2. The registration of any instrument affecting unpatented lands in any of the said districts, or in the part of Algoma hereinbefore mentioned shall cease to have any effect after the expiration of two years from the passing of this Act, and after the expiration of the said two years, subsections 2, 4 and 5 of section 141 of *The Land Titles Act* shall not continue in force.

Rev. Stat. c. 116.

Valuation of mining lands where compensation claimed out of Assurance Fund.

3.—(1) Where any person makes a claim upon the Assurance Fund for compensation in respect of land which has been or shall be patented as mining land or in respect of any land the chief value of which consists in the ores, mines or minerals therein and it appears that such person is entitled to recover in respect of such land or of some interest therein, in determ-

ining the amount of compensation to be paid such person the entire value of land shall not be taken at a greater sum than eight hundred times the amount of the fees paid into the Assurance Fund in respect of the said land either in the first instance or under the provision hereinafter contained.

(2) Where such fees or some part thereof were paid into the said fund in respect of other land in addition to that for which a claim is made as aforesaid without it appearing what amount was paid in respect of the particular piece of land with reference to which the claim is made as aforesaid, the fees so paid, or the portion thereof as to which the fact may not appear to be otherwise, shall be deemed to have been paid *pro rata* in accordance with the acreage or other superficial contents of the whole parcel or of the various parcels in respect of which the said fees were paid.

Additional payments into fund by transferee to make up one-fourth of 1 per cent.

4.—(1) Where any person taking a transfer or charge of any land coming within the provisions of the next preceding section is of opinion that a value to be determined under such section would not furnish a fair basis for compensation in case of loss he may with the privity of the Local Master of Titles pay into Court to the credit of the Assurance Fund such further sum as shall with the amount previously paid into the Assurance Fund in respect of such land make up one fourth of one per cent. of the value of the said land at the time of making the said payment, the said value to be determined in the manner provided by section 107 of *The Land Titles Act*.

Rev. Stat. c. 116.

(2) No such additional payment shall be made except by special leave of the said Master, unless the same is paid within three months of the registration of the transfer or charg under which such person claims.

(3) No such payment shall affect the valuation of the land where the error which gives the right to compensation was committed prior to such payment being made.

Entry to be made of additional payment.

5. Wherever any additional payment is made under the next preceding section, the Local Master shall enter a memorandum of the particulars thereof in the margin of the entry of ownership, and shall in such entry show the total amount which has been paid into the said fund in respect of such land by means of such additional payment and any former payment or payments.

Patents demising mining lands for term of years to be registered in land title office.

6. Letters Patent from the Crown demising lands, or Mining Rights for a term of years, or for any greater estate, which have been granted since the 31st day of December, 1887, or which may be hereafter granted shall be deemed to be within the provisions of section 141 of *The Land Titles Act*.

No. 58.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act with reference to the registration of instruments in respect of Unpatented Lands and the valuation of Mining Lands for the purpose of Assurance under The Land Titles Act.

First Reading, 17th March, 1897.

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1. No instrument affecting any land in any of the districts of Muskoka, Parry Sound, Nipissing, Thunder Bay or Rainy River, or in any part of the District of Algoma outside the District of Manitoulin which is unpatented, or which has or may be patented by the Government of Ontario since the 31st day of December, 1887, shall hereafter be registered in a registry office, but any person claiming any interest in any such land may as heretofore lodge with the Local Master a caution under section 68 of *The Land Titles Act*. [*All lands in these districts patented since 31st December, 1887, have been registered in the offices of Land Titles. See R. S. O. 1887, c. 116, s. 141.*]

Rev. Stat. c. 116.

Registration to cease to have effect after two years from Act.

2.—(1) The registration of any instrument affecting unpatented lands in any of the said districts, or in the part of Algoma hereinbefore mentioned shall cease to have any effect after the expiration of two years from the passing of this Act, and after the expiration of the said two years, subsections 2, 4 and 5 of section 141 of *The Land Titles Act* as amended by section 14 of the Act passed in the 52nd year of Her Majesty's reign, entitled *An Act regulating certain matters under The Land Titles Act*, shall not continue in force.

Rev. Stat. c. 116.

(2) No such caution shall be of any validity unless the description contained therein specifies the land in accordance with the description subsequently contained in the Patent, or describes the same in such manner that the Local Master will

know that the description in the caution is intended to affect the land described in the Patent.

Valuation of mining lands where compensation claimed out of Assurance Fund.

3.—(1) Where any person makes a claim upon the Assurance Fund for compensation in respect of land which has been or shall be patented as mining land or in respect of any land the chief value of which consists in the ores, mines or minerals therein and it appears that such person is entitled to recover in respect of such land or of some interest therein, in determining the amount of compensation to be paid such person the entire value of land shall not be taken at a greater sum than eight hundred times the amount of the fees paid into the Assurance Fund in respect of the said land either in the first instance or under the provision hereinafter contained.

(2) Where such fees or some part thereof were paid into the said fund in respect of other land in addition to that for which a claim is made as aforesaid without it appearing what amount was paid in respect of the particular piece of land with reference to which the claim is made as aforesaid, the fees so paid, or the portion thereof as to which the fact may not appear to be otherwise, shall be deemed to have been paid *pro rata* in accordance with the acreage or other superficial contents of the whole parcel or of the various parcels in respect of which the said fees were paid.

Additional payments into fund by transferee to make up one-fourth of 1 per cent.

4.—(1) Where any person taking a transfer or charge of any land coming within the provisions of the next preceding section is of opinion that a value to be determined under such section would not furnish a fair basis for compensation in case of loss he may with the privity of the Local Master of Titles pay into Court to the credit of the Assurance Fund such further sum as shall with the amount previously paid into the Assurance Fund in respect of such land make up one fourth of one per cent. of the value of the said land at the time of making the said payment, the said value to be determined in the manner provided by section 107 of *The Land Titles Act*.

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(3) No such payment shall affect the valuation of the land where the error which gives the right to compensation was committed prior to such payment being made.

Entry to be made of additional payment.

5. Wherever any additional payment is made under the next preceding section, the Local Master shall enter a memorandum of the particulars thereof in the margin of the entry of ownership, and shall in such entry show the total amount which has been paid into the said fund in respect of such land by means of such additional payment and any former payment or payments.

6. Letters Patent from the Crown demising lands, or Mining Rights for a term of years, or for any greater estate, which have been granted since the 31st day of December, 1887, or which may be hereafter granted shall be deemed *to have been and* to be within the provisions of section 141 of *The Land Titles Act*.

Patents demising mining lands for term of years to be registered in land title office.

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No. 59.] **BILL.** [1897.

An Act respecting the Court of Appeal of Ontario.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Court of Appeal, how to be constituted

1. Hereafter the Court of Appeal shall consist of a Chief Justice and four other judges, and section 6 of *The Judicature Act, 1895*, is amended by substituting the word "four" for the word "three" in the third line thereof.

58 V. c. 12, s. 6, amended.

58 V. c. 12, amended.

2. The said Act is further amended by adding thereto the following sections :—

Quorum of court of appeal.

11. Subject to sections 16*b* and 16*c* of this Act,

(a) Four judges shall constitute a quorum of the Court of Appeal, and may hold any sitting of the court ;

(b) Appeals from decisions of Divisional Courts and appeals under *The Controverted Elections Act*, shall be heard and disposed of by not less than four judges ;

(c) All other appeals, including appeals from the judgment of a single judge, may be heard and disposed of by not less than three judges.

Hearing or re-arguing case before five judges.

11*a*. Where an appeal comes before a court of either three or four judges, the court instead of hearing such appeal, or giving judgment thereon, may direct the case to be heard or re-argued, as the case may be, before a court of five judges.

58 V. c. 12, s. 11, repealed.

3. Section 11 of the said Act is hereby repealed.

58 V. c. 12, s. 12, repealed.

4. Section 12 of the said Act is repealed and the following substituted therefor :—

Divisional courts of court of appeal.

12.—(1) In case from pressure of business or other cause at any time it seems expedient to the Lieutenant-Governor in Council, or to the judges of the Supreme Court, or a majority of them (of which majority two judges of the Court of Appeal, including the Chief Justice, unless absent on leave, shall form part), the Court of Appeal may sit in two divisions either at the same time or at different times; and in such case and to enable two such Divisional Courts to be held, the judges of the Supreme Court, or the said majority of them, shall select from the judges of the High Court a judge or two of the judges thereof as may be necessary to form, with the ordinary judges of the Court of Appeal, two such Divisional Courts, and the judges so chosen and acting shall have all the power and authority of a Court of Appeal composed of three judges of the Court of Appeal.

(2) At least two of the judges of the Court of Appeal shall sit in each such Divisional Court.

58 V. c. 12, s. 13, amended.

5. Section 13 of the said Act is amended by striking out the words "before them" in the ninth line thereof.

58 V. c. 12, s. 14, amended.

6. Section 14 of the said Act is amended by inserting the words "a judge or" in the first line thereof, immediately after the words "in case of" and by striking out the words "and the three presidents where three judges are needed" in the seventh and eighth lines of the said section.

58 V. c. 12, amended.

7. The said Act is further amended by adding thereto the following section:—

Where court of four judges is equally divided on appeal.

16*d*. Where an appeal is heard by four judges, and such judges are equally divided in opinion, the appeal shall not be dismissed; but notice of the disagreement shall be sent by the registrar to the parties, and within 14 days thereafter either party may give notice to the opposite party and to the registrar that he elects to have the appeal re-argued, and in such case the appeal shall be re argued before a court of five judges. If neither party gives notice within the 14 days that he desires a re-argument, judgment shall be given as heretofore.

No. 59.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Court of Appeal of Ontario.

First Reading, 17th March, 1897.

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58 V. c. 12, s. 6, amended.

58 V. c. 12, amended.

2. The said Act is further amended by adding thereto the following sections :—

Quorum of court of appeal.

11. Subject to sections 16*b* and 16*c* of this Act. *59 V. c. 18.*

(a) Appeals from decisions of Divisional Courts and appeals under *The Controverted Elections Act*, shall be heard and disposed of by the full Court of five Justices.

(b) All other appeals, including appeals from the judgment of a single judge, may be heard and disposed of by not less than three judges.

Hearing or re-arguing case before five judges.

11*a*. Where an appeal comes before a court of three *Justices* the court instead of hearing such appeal, or giving judgment thereon, may direct the case to be heard or re-argued, as the case may be, before *the full court*.

58 V. c. 12, s. 11, repealed.

3. Section 11 of the said Act is hereby repealed.

58 V. c. 12, s. 12, repealed.

4. Section 12 of the said Act is repealed and the following substituted therefor:—

Divisional courts of court of appeal.

12.—(1) In case from pressure of business or other cause at any time it seems expedient to the Lieutenant-Governor in Council, or to the judges of the Supreme Court, or a majority of them (of which majority two *Justices* of Appeal, including the Chief Justice, unless absent on leave, shall form part), the Court of Appeal may sit in two divisions either at the same time or at different times; and in such case and to enable two Division Courts ☞of the Court of Appeal☜ to be held, the judges of the Supreme Court, or the said majority of them, shall select from the judges of the High Court a judge or two of the judges thereof as may be necessary to form, with the *Justices* of Appeal, two such Divisional Court; ☞and every Judge so chosen shall, while sitting in a Divisional Court of the Court of Appeal, have and may exercise all the powers and authority of a Justice of Appeal.☜

(2) At least two of the *Justices* of the Court of Appeal shall sit in such Divisional Court.

58 V. c. 12, s. 13, amended.

5. Section 13 of the said Act is amended by striking out the words "before them" in the ninth line thereof.

58 V. c. 12, s. 14, amended.

6. Section 14 of the said Act is amended by inserting the words "a judge or" in the first line thereof, immediately after the words "in case of" and by striking out the words "and the three presidents where three judges are needed" in the seventh and eighth lines of the said section.

Act incorporated with 58 V. c. 12.

☞**7**. This Act shall be read with and as part of *The Judicature, Act, 1895.*☜

No. 59.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Court of Appeal of Ontario.

First Reading, 17th March, 1897.
Second Reading, 25th March, 1897.

(*Reprinted as amended in Committee of the Whole House.*)

THE ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 60.] **BILL.** [1897.

An Act to amend The Mechanics and Wage Earners Lien Act, 1896.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

59 V. c. 35, s. 5, amended.

1. Section 5 of the said Act is amended by inserting the word "the" after the words "used in" in the third line thereof, by inserting the word "of" before the words "any erection" in the fifth line thereof, by substituting the word "and" for the word "or" before the word "appurtenances" in the fifteenth line thereof, by inserting the words "or in respect of" before the word "which" in the sixteenth line thereof, and by substituting for the words "and limited" in the eighteenth line thereof the words "limited however."

Nature of lien.

59 V. c. 35, s. 10, subs. 1, amended.

2. Subsection 1 of section 10 of the said Act is amended by inserting after the word "owner" in the first line thereof the words "contractor and subcontractor," and by inserting after the word "made" in the second line thereof the words "to a contractor or subcontractor as the case may be."

Percentage to be deducted and retainad by owner.

59. V. c. 35, s. 13, subs. 1, amended.

3. Subsection 1 of section 13 of the said Act is hereby amended by adding at the end thereof the words "or fifteen per cent. as the case may be."

Priority of lien for wages.

59 V. c. 35, s. 16, subs. 3 repealed.

4. Subsection 3 of section 16 of the said Act is hereby repealed and the following substituted therefor:

Registering claims against lands of railway company.

(3) When it is desired to register a claim for lien against the lands of a railway company, it shall be a sufficient description of such lands to describe them as the lands of such railway company and every such claim for lien shall be registered in the general registry in the registry office for the registration district where such lien is claimed to have arisen.

55 V. c. 35, s. 27, amended.

Lienholders demanding terms of contract.

5. Section 27 of the said Act is amended by striking out the words "at the time of such demand, neglect or refuse to" in the fifth and sixth lines thereof and by substituting therefor the words "not at the time of such demand or within a reasonable time thereafter."

59 V. c. 35, s. 21, subs. 1, 4, amended.

When claims to be registered.

6. Subsection 1 of section 21 of the said Act is amended by inserting after the word "may" in the second line thereof the words "in cases not otherwise provided for," and subsection 4 of the said section 21 is amended by striking out the words "the work" in the second line thereof and substituting therefor the words "the performance of the work for which such wages are claimed."

59 V. c. 35, s. 32, amended.

Power of certain officers.

7. Section 32 of the said Act is amended by striking out the words "of a judge of the High Court" in the fourth line thereof, and by substituting therefor the words "of the High Court, of a judge of the High Court."

59 V. c. 35, s. 37, amended.

Fee on filing claim.

8. Section 37 of the said Act is amended by striking out the words "in proving" in the sixth line thereof and by substituting therefor the words "on filing."

59 V. c. 35, s. 38 amended.

9. Section 38 of the said Act is amended by striking out the words "amount recovered by the judgment" in the first and second lines thereof and substituting therefor the words "total amount of the claims of the plaintiff and other persons claiming liens."

59 V. c. 35, s. 39 amended.

10. Section 39 of the said Act is amended by striking out the words "amount recovered by the judgment" in the first and second lines thereof and substituting therefor the words "total amount of the claims of the plaintiff and other persons claiming liens," and by substituting the word "and" for the word "but" and the word "person" for the word "party" in the second line of the said section.

59 V. c. 35, s. 44, repealed.

11. Section 44 of the said Act is hereby repealed and the following substituted therefor:

Costs.

44.—(1) The costs of and incidental to all applications and orders made under this Act and not otherwise provided for shall be in the discretion of the judge or officer to whom the application or order is made.

(2) Where a lien is discharged or vacated under section 26 of this Act or when in an action judgment is given in favor of or against a claim for a lien, in addition to the costs of an action the judge or other officer may allow a reasonable amount for costs of drawing and registering the lien or for vacating the registration thereof.

12. Section 45 of the said Act is amended by striking out the words "or when one is made" in the fifth line thereof and substituting therefor the words "and (when one is made)," and by striking out the words "or report" in the eighth line thereof and substituting therefor the words "and report (if any)." 55 V. c. 35, s. 45, amended. Payment out of court.

13. Section 46 of the said Act is amended by inserting after the word "return" in the fourth line thereof the word "registered." 59 V. c. 35, s. 46, amended. Fees not payable on payment out of court.

14. Form 12 given in the schedule of the said Act is struck out and the Form 12 given in the schedule hereto substituted therefor. 59 V. c. 35, form 12, repealed.

FORM 12.

JUDGMENT.

In the High Court of Justice.

Monday, the 10th July, 1896.

Name of Judge or officer.

William Spencer, Plaintiff,
and
Thomas Burns, Defendant.

This action coming on for trial before , in at upon opening of the matter and it appearing that the following persons have been duly served with notice of trial herein (*set out names of all persons served with notice of trial*) and all such persons (*or as the case may be*) appearing at the trial, [*if so* and the following persons not having appeared *set out names of non-appearing persons*] and upon hearing the evidence adduced and what was alleged by counsel for the plaintiff and for *C. D.* and *E. F.* and the defendant [*if so* and by *A. B.* appearing in person].

1. This Court doth declare that the plaintiff and the several persons mentioned in the first schedule hereto are respectively entitled to a lien under *The Mechanics' and Wage Earners' Lien Act*, upon the lands described in the second schedule hereto, for the amounts set opposite their respective names in the 1st, 2nd and 3rd columns of the said 1st schedule, and the persons primarily liable for the said claims respectively are set forth in the 4th column of the said schedule.

2. (*If so*) [And this Court doth further declare that the several persons mentioned in schedule 3 hereto are also entitled to some lien, charge or incumbrance upon the said lands for the amount set opposite their respective names in the 4th column of the said schedule 3.]

3. And this Court doth further order and adjudge that upon the defendant (*A. B.* the owner) paying into Court to the credit of this action the sum of (*gross amount of liens in schedules 1 and 3 for which owner is liable*) on or before the day of next, that the said liens in the said 1st schedule mentioned be and the same are hereby discharged, [and the several persons in the said 3rd schedule are to release and discharge their said claim and assign and convey the said

premises to the defendant (*owner*) and deliver up all documents on oath to the said defendant (*owner*) or to whom he may appoint] and the said moneys so paid into Court are to be paid out in payment of the claims of the said lien holders.

4. But in case the said defendant (*owner*) shall make default in payment of the said moneys into Court as aforesaid, this Court doth order and adjudge that the said lands be sold with the approbation of the Master of this Court [at] and that the purchase money be paid into Court to the credit of this action and all proper parties do join in the conveyances as the said Master shall direct.

5. And this Court doth order and adjudge that the said purchase money be applied in or towards payment of the several claims in the said 1st [and 3rd] schedule[s] mentioned as the said Master shall direct, with subsequent interest and subsequent costs to be computed and taxed by the said Master.

6. And this Court doth further order and adjudge that in case the said purchase money shall be insufficient to pay in full the claims of the several persons mentioned in the said 1st schedule, that the persons primarily liable for such claims as shewn in the said 1st schedule pay to the persons to whom they are respectively primarily liable the amount remaining due to such persons forthwith after the same shall have been ascertained by the said Master.

7. [*If so*, And this Court doth declare that have not proved any lien under *The Mechanics' and Wage Earners' Lien Act*, and that they are not entitled to any such lien, and this Court doth order and adjudge that the claims of liens respectively registered by them against the lands mentioned in the said 2nd schedule be and the same are hereby discharged.]

SCHEDULE 1.

Names of Lien Holders entitled to Mechanics' Liens.	Amount of Debt and Interest (if any.)	Costs.	Total.	Names of Primary Debtors.

(Signature of officer issuing judgment.)

SCHEDULE 2.

The lands in question in this matter are

(*Set out description sufficient for registration purposes.*)

(Signature of officer issuing judgment.)

SCHEDULE 3.

Names of persons entitled to Incumbrances other than Mechanics' Liens.	Amount of debt and interest (if any.)	Costs.	Total.

(Signature of officer issuing judgment.)

No. 60.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Mechanics' and Wage Earners' Lien Act, 1896.

First Reading, 17th March, 1897.

Mr. GIBSON,
(Hamilton.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 60.] BILL. [1897.

An Act to amend The Mechanics and Wage Earners Lien Act, 1896.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

59 V. c. 35, s. 5, amended.

1. Section 5 of the said Act is amended by inserting the word "the" after the words "used in" in the third line thereof, by inserting the word "of" before the words "any erection" in the fifth line thereof, by substituting the word "and" for the word "or" before the word "appurtenances" in the fifteenth line thereof, by inserting the words "or in respect of" before the word "which" in the sixteenth line thereof, and by substituting for the words "and limited" in the eighteenth line thereof the words "limited however."

Nature of lien.

59 V. c. 35, s. 10, subs. 1, amended.

2. (1) Subsection 1 of section 10 of the said Act is hereby repealed and the following substituted therefor:

Percentage to be deducted and retained by owner.

(1) In all cases the person primarily liable upon any contract under or by virtue of which a lien may arise under the provisions of this Act shall, as the work is done or materials are furnished under any contract, deduct from any payments to be made by him in respect of such contract, and retain for a period of thirty days after the completion or abandonment of the contract twenty per cent. of the value of the work, service and materials actually done, placed or furnished as defined by section 5 of this Act, and such values shall be calculated on the basis of the price to be paid for the whole contract; provided that when any contract exceeds $15,000 the amount to be retained shall be fifteen per cent. instead of twenty per cent.; and the liens created by this Act shall be a charge upon the amounts directed to be retained by this section in favor of sub-contractors whose liens are derived under persons to whom such moneys so required to be retained are respectively payable.

(2) The following is hereby added as subsection 3 of the said section 10:

(3) Payment of the percentage required to be retained under subsection 1 may be validly made so as to discharge all liens or charges under this Act in respect thereof after the expiration of the said period of thirty days mentioned in subsection 1 unless in the meantime proceedings shall have commenced under this Act to enforce any lien or charge against such percentage as provided by sections 22 and 23 of this Act.

59. V. c. 35, s. 13, subs. 1, amended.

Priority of lien for wages.

3. Subsection 1 of section 13 of the said Act is hereby amended by adding at the end thereof the words "or fifteen per cent. as the case may be."

59 V. c. 35, s. 16, subs. 3 repealed.

Registering claims against lands of railway company.

4. Subsection 3 of section 16 of the said Act is hereby repealed and the following substituted therefor:

(3) When it is desired to register a claim for lien against the lands of a railway company, it shall be a sufficient description of such lands to describe them as the lands of such railway company and every such claim for lien shall be registered in the general registry in the registry office for the registration district where such lien is claimed to have arisen.

59 V. c. 35, s. 21, subs. 1, 4, amended.

When claims to be registered.

5. Subsection 1 of section 21 of the said Act is amended by inserting after the word "may" in the second line thereof the words "in cases not otherwise provided for," and subsection 4 of the said section 21 is amended by substituting the word "wages" for the word "work" in the first line thereof, and by striking out the words "the work" in the second line thereof and substituting therefor the words "the performance of the work for which such wages are claimed."

55 V. c. 35, s. 27, amended.

Lienholders demanding terms of contract.

6. Section 27 of the said Act is amended by striking out the words "at the time of such demand, neglect or refuse to" in the fifth and sixth lines thereof and by substituting therefor the words "not at the time of such demand or within a reasonable time thereafter."

59 V. c. 35, s. 32, amended.

Power of certain officers.

7. Section 32 of the said Act is amended by striking out the words "of a judge of the High Court" in the fourth line thereof, and by substituting therefor the words "of the High Court, of a judge of the High Court."

59 V. c. 35, s. 37, amended.

Fee on filing claim.

8. Section 37 of the said Act is amended by striking out the words "in proving" in the sixth line thereof and by substituting therefor the words "on filing."

59 V. c. 35, s. 38 amended.

9 Section 38 of the said Act is amended by striking out the words "amount recovered by the judgment" in the first and second lines thereof and substituting therefor the words "total

amount of the claims of the plaintiff and other persons claiming liens."

10. (1) Section 39 of the said Act is repealed and the following substituted therefor: 59 V. c. 35, s. 39 amended

"39. In all actions where the total amount of the claims of the plaintiff and other persons claiming liens is more than $100 and not more than $200, any person affected thereby may appeal therefrom to a Divisional Court, whose judgment shall be final and binding on the appellant, but the respondent may appeal therefrom to the Court of Appeal, whose judgment shall be final and binding on all parties."

"(2) Section 40 of the said Act is repealed and the following substituted therefor:"

"40. In all other cases an appeal may be had in like manner and to the same extent as from the decision of a Judge trying an action in the High Court without a jury."

11. Section 44 of the said Act is hereby repealed and the following substituted therefor: 59 V. c. 35, s. 44, repealed.

44.—(1) The costs of and incidental to all applications and orders made under this Act and not otherwise provided for shall be in the discretion of the judge or officer to whom the application or order is made. Costs.

(2) Where a lien is discharged or vacated under section 26 of this Act or when in an action judgment is given in favor of or against a claim for a lien, in addition to the costs of an action the judge or other officer may allow a reasonable amount for costs of drawing and registering the lien or for vacating the registration thereof.

12. Section 45 of the said Act is amended by striking out the words "or when one is made" in the fifth line thereof and substituting therefor the words "and (when one is made)," and by striking out the words "or report" in the eighth line thereof and substituting therefor the words "and report (if any)." 55 V. c. 35, s. 45, amended. Payment out of court.

13. Section 46 of the said Act is amended by inserting after the word "return" in the fourth line thereof the word "registered." 59 V. c. 35, s. 46, amended. Fees not payable on payment out of court.

14. Form 12 given in the schedule of the said Act is struck out and the Form 12 given in the schedule hereto substituted therefor. 59 V. c. 35, form 12, repealed.

FORM 12.

JUDGMENT.

In the High Court of Justice.

Monday, the 10th July, 1896.

Name of Judge or officer.

William Spencer, Plaintiff,
and
Thomas Burns, Defendant.

This action coming on for trial before
in at
upon opening of the matter and it appearing that the following persons have been duly served with notice of trial herein (*set out names of all persons served with notice of trial*) and all such persons (*or as the case may be*) appearing at the trial, [*if so* and the following persons not having appeared *set out names of non-appearing persons*] and upon hearing the evidence adduced and what was alleged by counsel for the plaintiff and for *C. D.* and *E. F.* and the defendant [*if so* and by *A. B.* appearing in person].

1. This Court doth declare that the plaintiff and the several persons mentioned in the first schedule hereto are respectively entitled to a lien under *The Mechanics' and Wage Earners' Lien Act*, upon the lands described in the second schedule hereto, for the amounts set opposite their respective names in the 1st, 2nd and 3rd columns of the said 1st schedule, and the persons primarily liable for the said claims respectively are set forth in the 4th column of the said schedule.

2. (*If so*) [And this Court doth further declare that the several persons mentioned in schedule 3 hereto are also entitled to some lien, charge or incumbrance upon the said lands for the amount set opposite their respective names in the 4th column of the said schedule 3.]

3. And this Court doth further order and adjudge that upon the defendant (*A. B.* the owner) paying into Court to the credit of this action the sum of (*gross amount of liens in schedules 1 and 3 for which owner is liable*) on or before the day of next, that the said liens in the said 1st schedule mentioned be and the same are hereby discharged, [and the several persons in the said 3rd schedule are to release and discharge their said claim and assign and convey the said premises to the defendant (*owner*) and deliver up all documents on oath to the said defendant (*owner*) or to whom he may appoint] and the said moneys so paid into Court are to be paid out in payment of the claims of the said lien holders (*if so, and incumbrancers*).

4. But in case the said defendant (*owner*) shall make default in payment of the said moneys into Court as aforesaid, this Court doth order and adjudge that the said lands be sold with the approbation of the Master of this Court [at] and that the purchase money be paid into Court to the credit of this action and *that* all proper parties do join in the conveyances as the said Master shall direct.

5. And this Court doth order and adjudge that the said purchase money be applied in or towards payment of the several claims in the said 1st [and 3rd] schedule[s] mentioned as the said Master shall direct, with subsequent interest and subsequent costs to be computed and taxed by the said Master.

6. And this Court doth further order and adjudge that in case the said purchase money shall be insufficient to pay in full the claims of the several persons mentioned in the said 1st schedule, the persons primarily liable for such claims as shewn in the said 1st schedule *do* pay to the persons

to whom they are respectively primarily liable the amount remaining due to such persons forthwith after the same shall have been ascertained by the said Master.

7. [*If so*, And this Court doth declare that . . . . have not proved any lien under *The Mechanics' and Wage Earners' Lien Act*, and that they are not entitled to any such lien, and this Court doth order and adjudge that the claims of liens respectively registered by them against the lands mentioned in the said 2nd schedule be and the same are hereby discharged.]

SCHEDULE 1.

Names of Lien Holders entitled to Mechanics' Liens.	Amount of Debt and Interest (if any.)	Costs.	Total.	Names of Primary Debtors.

(Signature of officer issuing judgment.)

SCHEDULE 2.

The lands in question in this matter are

(*Set out description sufficient for registration purposes.*)

(Signature of officer issuing judgment.)

SCHEDULE 3.

Names of persons entitled to Incumbrances other than Mechanics' Liens.	Amount of debt and interest (if any.)	Costs.	Total.

(Signature of officer issuing judgment.

No. 60.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Mechanics' and Wage Earners' Lien Act, 1896.

First Reading, 17th March, 1897.
Second Reading, 31st March, 1897.

(Reprinted as amended in Committee of the Whole House.)

Mr. GIBSON,
(Hamilton.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 61.] **BILL.** [1897.

An Act to amend the Act respecting the Highway and Bridges over the Desjardins Canal.

Preamble. WHEREAS by chapter 73 of the Acts passed in the 37th year of Her Majesty's reign, intituled *An Act respecting the Highway and Bridges over the Desjardins Canal*, it was enacted that the highway and high level bridge leading over Burlington Heights within the corporate limits of the city of Hamilton crossing the Desjardins Canal by means of the said bridge should, from and after the passing of the said Act, be permanently closed and cease to be a public highway for the space between lines respectively crossing the said highway at right angles thereto, at the distance of one chain from the northerly and southerly termini of the said high level bridge, and that it should and might be lawful for the Hamilton and Milton Road Company to take down and remove the said high level bridge and by fences, walls, or otherwise to close the said highway; and whereas it was also by the said Act declared that thereafter the duty and burthen of erecting, keeping and maintaining a safe and commodious bridge across the cut made through Burlington Heights over the Desjardins Canal with proper and sufficient approaches thereto should be and was thereby imposed upon the Hamilton and Milton Road Company; and whereas in accordance with the terms of the said Act, the Hamilton and Milton Road Company named therein erected a bridge at a low level across the said cut made for the Desjardins Canal and made proper and sufficient approaches thereto and have maintained such bridge up to the present time; and whereas by reason of the construction of the Toronto, Hamilton and Buffalo Railway across the roads leading to such low level bridge, such roads have been rendered dangerous for public travel, and an Order has been made by the Railway Committee of the Privy Council of Canada that the Toronto, Hamilton and Buffalo Railway Company shall build, at its own cost, a high level bridge over the Desjardins Canal for the purpose of connecting the highways leading over Burlington Heights at such high level, and thereby restore the

highway closed by the Act hereinbefore recited; and it is further provided by the said Order that all the highways and toll roads of the said Hamilton and Milton Road Company on Burlington Heights, being the low level roads hereinbefore mentioned, are to be closed as soon as the high level bridge and approaches are constructed as aforesaid; and whereas a copy of said Order is set out in Schedule A to this Act and for the purpose of carrying out its provisions the corporation of the city of Hamilton have paid the sum of $20,000 as their contribution to the amount of $60,000 to be paid to the Hamilton and Milton Road Company in accordance with the terms of the said Order, and have also expended and are now expending amounts which will exceed $5,000 for improving the roads on Burlington Heights within the city of Hamilton leading to the said high level bridge, which sums are over and above the amounts provided for the ordinary annual expenditure of the city corporation, and are for purposes of permanent value and benefit to the public and ought not to come out of the ordinary taxes for the current year; and whereas the corporation of the city of Hamilton have, by their petition, prayed that an Act may be passed to alter and amend the said chapter 73 of the Acts passed in the 37th year of Her Majesty's reign, and to make provision with respect to the said highways and bridges and the changes made in the relative obligations and duties of the corporations affected by the said Act, and that power may be given to the said corporation to pass a by-law for the issue of debentures extending over a period of twenty years, and bearing four per cent. interest for an amount not exceeding $25,000 to provide for the payments necessarily made by the said corporation in carrying out the terms of the said Order of the Railway Committee of the Privy Council of Canada; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

37 V., c. 73, s. 1 repealed.

1. Section 1 of chapter 73 of the Acts passed in the 37th year of Her Majesty's reign is hereby repealed.

H. and M. Road Co'y may take down present bridge.

2. Upon the completion of the high level bridge over the Desjardins Canal as directed by the Order of the Railway Committee of the Privy Council of Canada set forth in the Schedule to this Act and upon the high level roads over Burlington Heights and across the said bridge being completed and opened for traffic, the Hamilton and Milton Road Company shall be at liberty to take down and remove the present bridge erected by them on the low level over the Desjardins Canal, and to retain for their own use all the material therein, and shall be absolved from all further obligation or liability to maintain a bridge over the Desjardins Canal.

3. The Council of the corporation of the city of Hamilton are hereby authorized to pass a by-law for the issue of debentures extending over a period of twenty years and bearing four per cent. interest for an amount not exceeding $25,000 to provide for the payments necessarily made by the said corporation in carrying out the terms of the said Order of the Railway Committee of the Privy Council of Canada.

Hamilton may issue debentures for $25,000.

No. 61.

3rd Session, 8th Legislature, 60 Vict , 1897.

BILL.

An Act to amend the Act respecting the Highway and Bridges over the Desjardins Canal.

First Reading, March, 1897.

Private Bill.

Mr. MIDDLETON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 61.] **BILL.** [1897.

An Act to amend the Act respecting the Highway and Bridges over the Desjardins Canal.

Preamble.

WHEREAS by chapter 73 of the Acts passed in the 37th year of Her Majesty's reign, intituled *An Act respecting the Highway and Bridges over the Desjardins Canal*, it was enacted that the highway and high level bridge leading over Burlington Heights within the corporate limits of the city of Hamilton crossing the Desjardins Canal by means of the said bridge should, from and after the passing of the said Act, be permanently closed and cease to be a public highway for the space between lines respectively crossing the said highway at right angles thereto, at the distance of one chain from the northerly and southerly termini of the said high level bridge, and that it should and might be lawful for the Hamilton and Milton Road Company to take down and remove the said high level bridge and by fences, walls, or otherwise to close the said highway; and whereas it was also by the said Act declared that thereafter the duty and burthen of erecting, keeping and maintaining a safe and commodious bridge across the cut made through Burlington Heights over the Desjardins Canal with proper and sufficient approaches thereto should be and *were* thereby imposed upon the Hamilton and Milton Road Company; and whereas in accordance with the terms of the said Act, the Hamilton and Milton Road Company named therein erected a bridge at a low level across the said cut made for the Desjardins Canal and made proper and sufficient approaches thereto and have maintained such bridge up to the present time; and whereas by reason of the construction of the Toronto, Hamilton and Buffalo Railway across the roads leading to such low level bridge, such roads have been rendered dangerous for public travel, and an Order has been made by the Railway Committee of the Privy Council of Canada that the Toronto, Hamilton and Buffalo Railway Company shall build, at its own cost, a high level bridge over the Desjardins Canal for the purpose of connecting the highways leading over Burlington Heights at such high level, and thereby restore the

highway closed by the Act hereinbefore recited ; and it is further provided by the said Order that all the highways and toll roads of the said Hamilton and Milton Road Company on Burlington Heights, being the low level roads hereinbefore mentioned, are to be closed as soon as the high level bridge and approaches are constructed as aforesaid; and whereas for the purpose of carrying out *the* provisions *of the said Order* the corporation of the city of Hamilton have paid the sum of $20,000 as their contribution to the amount of $60,000 to be paid to the Hamilton and Milton Road Company in accordance with the terms of the said Order, and have also expended and are now expending amounts which will exceed $5,000 for improving the roads on Burlington Heights within the city of Hamilton leading to the said high level bridge, which sums are over and above the amounts provided for the ordinary annual expenditure of the city corporation, and are for purposes of permanent value and benefit to the public and ought not to come out of the ordinary taxes for the current year ; and whereas the corporation of the city of Hamilton have, by their petition, prayed that an Act may be passed to alter and amend the said chapter 73 of the Acts passed in the 37th year of Her Majesty's reign, and *that* provision *may be made* with respect to the said highways and bridges and the changes made in the relative obligations and duties of the corporations affected by the said Act, and that power may be given to the said corporation to pass a by-law for the issue of debentures extending over a period of twenty years, and bearing four per cent. interest for an amount not exceeding $25,000 to provide for the payments necessarily made by the said corporation in carrying out the terms of the said Order of the Railway Committee of the Privy Council of Canada ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

☞**1**. After the payment of the said sum of $60,000 to the Hamilton and Milton Road Company, the highway and high level bridge leading over the Burlington Heights within the corporate limits of the city of Hamilton crossing the Desjardins canal by means of the said bridge, so far as the same have been closed by chapter 73 of the Acts passed in the 37th year of Her Majesty's reign, may be re opened and re-established as a public highway.☜

H. and M. Road Co'y may take down present bridge.

2. Upon the completion of the high level bridge over the Desjardins Canal as directed by the *said* Order of the Railway Committee of the Privy Council of Canada and upon the high level roads over Burlington Heights and across the said bridge being completed and opened for traffic, the Hamilton and Milton Road Company shall be at liberty to take down and remove

the present bridge erected by them on the low level over the Desjardins Canal, and to retain for their own use all the material therein, and shall be absolved from all further obligation or liability to *erect, keep, or* maintain a bridge over the Desjardins Canal *with proper and sufficient approaches thereto.*

Hamilton may issue debentures for $25,000.

3. The Council of the corporation of the city of Hamilton are hereby authorized to pass a by-law for the issue of debentures extending over a period of twenty years and bearing four per cent. interest for an amount not exceeding $25,000 to provide for the payments necessarily made by the said corporation in carrying out the terms of the said Order of the Railway Committee of the Privy Council of Canada.

No. 61.

3rd Session, 8th Legislature, 60 Vict, 1897.

BILL.

An Act to amend the Act respecting the Highway and Bridges over the Desjardins Canal.

First Reading, 19th March, 1897.

(Reprinted as amended by Private Bills Committee.)

Mr. MIDDLETON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 61.] BILL. [1897.

An Act to amend the Act respecting the Highway and Bridges over the Desjardins Canal.

Preamble. WHEREAS by chapter 73 of the Acts passed in the 37th year of Her Majesty's reign, intituled *An Act respecting the Highway and Bridges over the Desjardins Canal*, it was enacted that the highway and high level bridge leading over Burlington Heights within the corporate limits of the City of Hamilton crossing the Desjardins Canal by means of the said bridge should, from and after the passing of the said Act, be permanently closed and cease to be a public highway for the space between lines respectively crossing the said highway at right angles thereto, at the distance of one chain from the northerly and southerly termini of the said high level bridge, and that it should and might be lawful for the Hamilton and Milton Road Company to take down and remove the said high level bridge and by fences, walls, or otherwise to close the said highway; and whereas it was also by the said Act declared that thereafter the duty and burthen of erecting, keeping and maintaining a safe and commodious bridge across the cut made through Burlington Heights over the Desjardins Canal with proper and sufficient approaches thereto should be and *were* thereby imposed upon the Hamilton and Milton Road Company; and whereas in accordance with the terms of the said Act, the Hamilton and Milton Road Company named therein erected a bridge at a low level across the said cut made for the Desjardins Canal and made proper and sufficient approaches thereto and have maintained such bridge up to the present time; and whereas by reason of the construction of the Toronto, Hamilton and Buffalo Railway across the roads leading to such low level bridge, such roads have been rendered dangerous for public travel, and an Order has been made by the Railway Committee of the Privy Council of Canada that the Toronto, Hamilton and Buffalo Railway Company shall build, at its own cost, a high level bridge over the Desjardins Canal for the purpose of connecting the highways leading over Burlington Heights at such high level, and thereby restore the

highway closed by the Act hereinbefore recited; and it is further provided by the said Order that all the highways and toll roads of the said Hamilton and Milton Road Company on Burlington Heights, being the low level roads hereinbefore mentioned, are to be closed as soon as the high level bridge and approaches are constructed as aforesaid; and whereas for the purpose of carrying out *the* provisions *of the said Order* the corporation of the city of Hamilton have paid the sum of $20,000 as their contribution to the amount of $60,000 to be paid to the Hamilton and Milton Road Company in accordance with the terms of the said Order, and have also expended and are now expending amounts which will exceed $5,000 for improving the roads on Burlington Heights within the city of Hamilton leading to the said high level bridge, which sums are over and above the amounts provided for the ordinary annual expenditure of the city corporation, and are for purposes of permanent value and benefit to the public and ought not to come out of the ordinary taxes for the current year; and whereas the corporation of the city of Hamilton have, by their petition, prayed that an Act may be passed to alter and amend the said chapter 73 of the Acts passed in the 37th year of Her Majesty's reign, and *that* provision *may be made* with respect to the said highways and bridges and the changes made in the relative obligations and duties of the corporations affected by the said Act, and that power may be given to the said corporation to pass a by-law for the issue of debentures extending over a period of twenty years, and bearing four per cent. interest for an amount not exceeding $25,000 to provide for the payments necessarily made by the said corporation in carrying out the terms of the said Order of the Railway Committee of the Privy Council of Canada; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to re-open and re-establish.

☞1. After the payment of the said sum of $60,000 to the Hamilton and Milton Road Company, the highway and high level bridge leading over the Burlington Heights within the corporate limits of the city of Hamilton crossing the Desjardins canal by means of the said bridge, so far as the same have been closed by chapter 73 of the Acts passed in the 37th year of Her Majesty's reign, may be re opened and re-established as a public highway.☜

H. and M. Road Co'y may take down present bridge.

2. Upon the completion of the high level bridge over the Desjardins Canal as directed by the *said* Order of the Railway Committee of the Privy Council of Canada and upon the high level roads over Burlington Heights and across the said bridge being completed and opened for traffic, the Hamilton and Milton Road Company shall be at liberty to take down and remove

the present bridge erected by them on the low level over the Desjardins Canal, and to retain for their own use all the material therein, and shall be absolved from all further obligation or liability to *erect, keep, or* maintain a bridge over the Desjardins Canal *with proper and sufficient approaches thereto.*

Hamilton may issue debentures for $25,000.

3. The Council of the corporation of the city of Hamilton are hereby authorized to pass a by-law for the issue of debentures extending over a period of twenty years and bearing four per cent. interest for an amount not exceeding $25,000 to provide for the payments necessarily made by the said corporation in carrying out the terms of the said Order of the Railway Committee of the Privy Council of Canada.

Rights of G. T. Ry. Co. confirmed.

4. Nothing in this Act contained shall affect the rights or liabilities of the Grand Trunk Railway Company of Canada as they exist at and before the passing of this Act with regard to any of the matters in this Act referred to.

No. 61.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend the Act respecting the Highway and Bridges over the Desjardins Canal.

First Reading, 19th March, 1897.
Second Reading, 31st March, 1897.

(Reprinted as amended in Committee of the Whole House.)

Mr. MIDDLETON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 62.] **BILL.** [1897.

An Act to consolidate and amend the Acts respecting Insurance.

SHORT TITLE, s. 1.
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(1) Joint Stock Insurance Companies, ss. 3-7.
(2) Mutual and Cash Mutual Fire Insurance Companies, ss. 8-5. Companies, ss 20-29.
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POWERS OF DIRECTORS. (All Provincial Insurance Cos.), ss. 98-195.
MUTUAL AND CASH MUTUAL FIRE INSURANCE COMPANIES :
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VOLUNTARY LIQUIDATION OF PROVINCIAL INSURANCE COMPANIES, s. 184
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COMPULSORY LIQUIDATION of PROVINCIAL INSURANCE CORPORATIONS, ss. 186-195.
COSTS ; PRIORITIES, s. 196.
FEES PAYABLE UNDER THE ACT, s. 197.
REPEALING CLAUSE, s. 198.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as *The Ontario Insurance Act, 1897*. R. S. O. 1887, c. 167, s. 1.

2. Where the following words and expressions respectively occur in this Act, or in the schedules hereto, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears :—

"Province." "Legislature."

(1) "Province" and "Legislature" mean respectively the Province and Legislature of Ontario. R. S. O. 1887, c. 167, s. 2 (1), 55 V. c. 39, s. 2.

"Foreign Jurisdiction."

(2) "Foreign Jurisdiction" includes any jurisdiction other than that of Ontario.

"This Act."

(3) "This Act" includes any Act amending or consolidating this present Act, or incorporated therewith.

"The Minister."

(4) "The Minister" means the member of the Executive Council under whose direction this Act is administered. R. S. O. 1887, c. 167, s. 2 (2).

"Inspector."

(5) "Inspector" means the Inspector of Insurance for the Province. 55 V. c. 29, s. 2 (2); R. S. O. 1887, c. 167, s. 2 (3).

"Registry."

(6) "Registry" as applied to insurance corporations or organizations means registration on the Insurance Company Register, or on the Friendly Society Register, according as the matter pertains to an insurance company or a friendly society respectively; and "Registry" includes extension or renewal of registry. 55 V. c. 39, s. 2 (3); 58 V. c. 34, s. 2 (2).

"Registry Officer."

(7) "Registry Officer" or "Registrar" or "Insurance Registrar" means the Inspector of Insurance or the Registrar of Friendly Societies, according as the matter pertains to an insurance company or to a friendly society respectively.

"Registered" corporation.

(8) "Registered" corporation or person means a corporation or person duly registered or deemed to be so registered under this Act; and "unregistered" corporation or person includes any corporation or person not so registered or not deemed to be so registered for the kind of character of insurance transacted or undertaken, or offered to be undertaken or transacted, whether such corporation or person was never duly registered for that purpose, or, having been so registered, lost such registry through non-renewal, suspension, revocation or cancellation. 55 V. c. 39, s. 2. (6).

"Municipality."

(9) "Municipality" has the same meaning as in *The Municipal Act*. R. S. O. 1887, c. 167, s. 2 (10).

"Company."

(10) "Company" means and includes any corporation, or any society or association, incorporated or unincorporated, or any partnership, or any underwriter that undertakes or effects

for valuable consideration, or agrees or offers so to undertake or effect, in the Province, any contract of insurance within the intent of this Act. R. S. O. 1887, c. 167, s. 2 (4).

(11) "Provincial" company or "Provincial" corporation means a company or body incorporated by the Province and operated under the Act or instrument by virtue of which the company or body became so incorporated. Cf. R. S. O. 1887, c. 167, s. 2 (8). "Provincial" Company or Corporation.

(12) "Canadian" company or "Canadian" corporation means a company or body incorporated by the Dominion of Canada and operated under the Act or instrument by virtue of which the company or body became so incorporated. Cf. R. S. O. 1887, c. 167, s. 2 (9). "Canadian" company or Corporation.

(13) "Society," or "Friendly Society" includes any corporation, society, association, or fraternity, benevolent, mutual, provident, industrial, or co-operative, or the like, which, (not being a corporation within the intent of sections 57 to 59 of this Act or required by law to be licensed for the transaction of insurance,) undertakes or effects for valuable consideration, or agrees or offers so to undertake, or effect, with any person in the Province, any contract of insurance. "Society" or "Friendly Society."

(a) Provided that where the corporation is not organized exclusively for purposes of such contracts, then "society" means only that branch, or department, or division of the corporation which has such contracts in charge; and for purposes of such contracts there shall be kept distinct and separate funds, books, accounts and vouchers. 55 V. c. 39, s. 2 (4*a*). Proviso (*a*).

(b) Provided also, that where two or more lodges or branches (by whatever name known) of a society though separately incorporated, are under the financial or administrative control of a central governing body within the Province, or a duly authorized Provincial representative of the society, then such governing body, if incorporated, or such Provincial representative of the society may, in the discretion of the Registrar, be dealt with as the society for any or all purposes of this Act. 55 V. c. 39, s. 2, (4*b*). Proviso (*b*).

(c) Provided also, that, in the case of a friendly society incorporated elsewhere than in Ontario, the central governing or controlling body within the Province, if incorporated by virtue of the law of the Province may, in the discretion of the Registrar, be dealt with as the society for any or all purposes of this Act. 55 V. c. 39, s. 2 (4*c*). Proviso (*c*).

(14) The word "Lodge" includes a primary subordinate division (by whatever name known) of a friendly society. 56 V. c. 32, s. 1 (5). "Lodge."

"Branch." (15) "Branch" means any number of the members of a corporation under the control of a central body, having (within the intent of subsection [illegible] of this section) a separate insurance fund administered by themselves, or by a committee of officers appointed by themselves;

Provided that, in the corporations mentioned in subsections [illegible] and [illegible] of section [illegible], "branch" shall include the committee or persons having, under the authority of the respective Acts of Canada, the management of the benefit and insurance funds, or gratuity funds respectively. 55 V. c. 39, s. 2 (5).

"Trade or labor union or organization." (16) The expression "trade or labor union or trade or labor organization" means such an organization of wage earners of a particular trade or industrial calling as is primarily constituted and is actually operated *bona fide* for the regulation of the wages and hours of labor as between employers and employed; but shall not be deemed to include co-operative associations or societies within the meaning of chapter 166 of the Revised Statutes of Ontario, 1887. 56 V. c. 32, s. 1 (2) 58 V. c. 34, s. 1 (8).

"Collector" (17) "Collector" includes every officer, agent or person receiving pay, however remunerated, who by himself or by any deputy or substitute collects premiums, fees, assessments or other moneys for an insurance corporation. 55 V. c. 39, s. 2 (17).

"Directors." (18) "Directors" include the board (by whatever name known) having the management of the insurance corporation.

"Officer." "Officer" extends to any trustee, treasurer, secretary or member of the committee of management of a corporation or to any person appointed by the corporation to sue and be sued in its behalf. 55 V. c. 39, s. 2 (18).

"Rules." (19) "Rules" means and includes provisions of the constitution and rules or regulations, or resolutions or by-laws in force for the time being. 55 V. c. 39, s. 2 (19).

"Head office." (20) "Head office" means the place where the chief executive officers of an insurance corporation transact its business. 55 V. c. 39, s. 2 (20).

"Chief Agency." (21) "Chief Agency" means the principal officer or place of business in Ontario of an extra-provincial corporation undertaking insurance in Ontario. 55 Vic. c. 39, s. 2 (21).

"Written." (22) As applied to any instrument, "written" means and includes an instrument written or printed, or partly written

"Sealed." and partly printed; and "sealed" means an instrument under corporate or other seal. R. S. O. 1887, c. 167, s. 2 (7); 55 V. c. 39, s. 2 (9).

"Contract." (23) "Contract" means and includes any contract or agreement sealed, written or oral, the subject matter of which is

within the intent of sub-section 35 of this section. R. S. O. 1887. c. 167, s. 2 (6); 55 V. c. 39, s. 2 (8).

(24) "Policy" includes any contract of insurance within the meaning of this Act. 58 V. c. 34, s. 1 (5). "Policy."

(25) The expression "offer to undertake contracts" shall, both as to the corporation and the person acting or purporting to act in its behalf, include any setting up of a sign or inscription containing the name of the corporation, or any distribution or publication of any proposal, circular, card, advertisement, printed form, or like document in the name of the corporation, or any written or oral solicitation in the corporation's behalf, or any collecting or taking premiums of insurance. R. S. O. 1887, c. 167, s. 2 (5); 55 V. c. 39, s. 2 (4); 58 V. c. 34, s. 2 (1). "Offer to undertake contracts."

(26) "Maturity" of an insurance contract means the happening of an event, or the expiration of the term at which the benefit under the contract accrues due. 53 V. c. 39, s. 1 (2); 55 V. c. 39, s. 2 (15). "Maturity of contracts."

(27) "Premium" includes any valuable consideration given or promised for insurance. 55 V. c. 39, s. 2 (7). "Premium."

(28) "Premium note" means an instrument given as consideration for fire or live-stock insurance, whereby the maker undertakes to pay such sum or sums as may be legally demanded by the insurer, the aggregate of such sums not to exceed an amount specified in the instrument. "Premium note."

(29) "Insurance corporation," or "corporation" simply, includes any corporation which undertakes, or offers to undertake a contract of insurance within the meaning of sub-section 35, and also includes any continuously existent body which undertakes or offers to undertake such contract, and which, though not actually incorporated, is nevertheless legally entitled to sue and be sued in the name of any officer thereof, or of a public officer. 55 V. c. 39, s. 2 (13). 58 V. c. 34, s. 2 (3). "Insurance corporation."

(30) "Insurance fund" or "insurance funds" as applied to any friendly society within the meaning of sub-section 13 of this section, or as applied to any corporation not incorporated exclusively for the transaction of insurance, includes all moneys, securities for money, and assets appropriated by the constitution, by-laws or rules of the society to the payment of insurance liabilities or appropriated for the management of the insurance branch or department or division of the society, or otherwise legally available for insurance liabilities. 55. V. c. 39, s. 2 (13). "Insurance fund" or "insurance funds."

The expression "insurance fund" or "insurance funds" shall not be deemed to include any fund or funds of a trade or labour union or organization appropriated to or applicable for the voluntary assistance of wage-earners, unemployed or upon strike. 56 V. c. 32, s. 1 (3).

"The insurer." (31) "The insurer" means the corporation undertaking the contract of insurance or of reinsurance, as the case may be. 55 V. c. 39, s. 2 (13).

"The assured." (32) "The assured" means the person whose property, life, safety, health, fidelity or insurable interest is insured. 55 V. c. 39, s. 2 (13).

"Nominee." (33) "Nominee" when used with reference to annuities on lives means a designated person on whose life another's annuity depends.

"Maximum." (34) "Maximum" means the largest sum which, under the contract, the benefit may reach, but may not in any event exceed. 50 V. c. 39, s. 2 (11).

"Insurance." (35) "Insurance" includes the following, whether the contract be one of primary insurance, or of reinsurance, and whether the premium payable be a sum certain, or consist of sums uncertain or variable in time, number or amount. 55 V. c. 39, s. 2 (12).

(*a*) Insurance against death, sickness, infirmity, casualty, accident, disability, or any change of physical or mental condition. 55 V. c. 39, s. 2 (12*a*).

(*b*) Insurance against financial loss; or against loss of work, employment, practice, custom, wages, rents, profits, income or revenue. 55 V. c. 39, s. 2 (12*b*).

(*c*) Insurance of property against any loss or injury from any cause whatsoever, whether the obligation of the insurer is to indemnify by a money payment, or by restoring or reinstating the property insured. 55 V. c. 39, s. 2 (12*c*).

(*d*) Contracts of endowment, assessment-endowment tontine, semi-tontine, lifetime benefits, annuities on lives, or contracts of investment involving tontine or survivorship principles for the benefit of persisting members; or any contract of investment involving life contingencies. 55 V. c. 39, s. 2 (12*d*).

(*e*) Any contract made on consideration of a premium and based on the exceptancy of life; or any contract made on such consideration and having for its subject the life, safety, health, fidelity or insurable interests of any person, whether the benefit under the contract is primarily payable to the assured or to a donee, grantee or assignee or to trustees or representatives, or to (or in trust for) any beneficiary, or to the assured by way of indemnity or insurance against any liability incurred by him by or through the death or injury of any person. 55 V. c. 39, s. 2 (12*e*).

(f) Any investment contract under which lapses or payments made by discontinuing members or investors, accrue to the benefit of persisting members or investors, except where a corporation (other than an insurance corporation) is expressly authorized to undertake such contract by a statute in force in Ontario. 55 V. c. 39, s. 2 (12*f*).

(g) Generally any contract in the nature of any of the foregoing whereby the benefit under the contract accrues payable on or after the occurrence of some contingent event. 55 V. c. 39, s. 2 (12*g*).

"Insurance of the person."

(36) "Insurance of the person" includes insurance against death, sickness, infirmity, casualty, accident, disability, or against any change of physical or mental condition, or any contract of insurance having for its subject the life, health, safety or physical or mental condition of a person. 55 V. c. 39, s. 35 (1).

Endowment insurance.

(37) "Endowment insurance" includes any contract of insurance which contains an undertaking to pay an ascertained or ascertainable sum at a fixed future date, provided the assured is then alive. An undertaking to pay such sum on the assured reaching his expectancy shall be deemed to be endowment insurance. 56 V. c. 32, s. 1 (4).

"Assessment insurance," or "insurance upon the assessment system."

(37a) "Assessment insurance" or "insurance on the assessment system," includes any contract in which the premium, not being a premium note within the meaning of subsection 28 of this section, consists of sums uncertain or variable in time, number or amount; and also any contract whereby the benefit is in any manner or degree made dependent upon the collection of sums levied upon persons holding similar contracts, or upon members of the contracting corporation;

Proviso.

Provided, that any assessment insurance undertaken or transacted under the authority of the *Insurance Act of Canada*, shall be deemed assessment insurance for purposes of this Act. 55 V. c. 39, s. 2 (14).

"Benefit."

"Beneficiary."

(38) "Benefit" includes all benefit, bonus and insurance moneys payable by the insurer under the contract; and "beneficiary" includes every person entitled to such moneys, and the executors, administrators and assigns of any person so entitled. 55 V. c. 39, s. 2 (10).

"Preferred beneficiaries."

"Ordinary beneficiaries."

(39) In insurance of the person the husband, wife, children, grandchildren and mother of the assured shall constitute a class which may be known as "preferred beneficiaries," and all other beneficiaries may be known as "ordinary beneficiaries."

"Legal heirs" or "lawful heirs."

(40) In such insurance the phrase "legal heirs" or "lawful heirs" shall mean and include all the lawful surviving children of the assured, and also the wife or husband if surviving the

assured; or, where the assured died without lawful surviving children and unmarried, it shall mean those persons entitled to take according to the Statute of Distributions.

"Beneficiary for value." (41) "Beneficiary for value" means a beneficiary for a valuable consideration other than marriage.

"Mutual insurance." "Mutual company." (42) "Mutual insurance" means, in the case of fire or live stock insurance, insurance given in consideration of a premium note or undertaking with or without an immediate cash payment thereon; and "mutual company" means a company empowered solely to transact such insurance. R. S. O. 1887, c. 167, s. 2 (11).

"Insurance on the cash plan." (43) "Insurance on the cash plan" means insurance given for a money consideration without premium note.

"Cash mutual company." (44) "Cash-mutual company" means a company organized to transact mutual insurance, but empowered to undertake contracts of insurance on both the cash plan and the premium note or mutual plan. R. S. O. 1887, c. 167, s. 2 (12).

"Member." (45) "Member" as applied to any mutual or cash-mutual company transacting fire or live stock insurance means a policyholder on the premium note plan, but as to those mutual or cash-mutual companies which, in terms of this Act have joint stock capital, "member" includes, where the context so requires, any holder of one or more shares of such capital. R.S.O. 1887, c. 167, s. 2 (14).

"Inland marine insurance." (46) "Inland marine insurance" means marine insurance in respect of subjects of insurance at risk above the harbour of Montreal. R. S. O. 1887, c. 167, s. 2 (13).

"Guarantee insurance." (47) "Guarantee insurance" includes contracts where a corporation, firm or person, not being the grantor, undertakes to insure the validity of title, or not being the debtor undertakes to insure the payment of money due or to become due.

"Actuarial liabilities." (48) "Actuarial liabilities" means the liabilities chargeable against an insurance corporation in respect of its insurance contracts prior to their maturity. 55 V. c. 39, s. 2 (16).

"Actuarial solvency." "Actuarial solvency" means the solvency of an insurance corporation when its actuarial liabilities are charged or treated as present liabilities. 55 V. c. 39, s. 2 (16).

"Solvent society." "Solvent," as applied to a friendly society not undertaking endowment insurance or annuities, means a society respecting which it has been made to appear to the Insurance Registrar that the society has no present liabilities apart from actuarial liabilities, or has immediately realizable assets adequate to discharge its present actual liabilities. 55 V. c. 39, s. 2 (16); 56 V. c. 32, s. 10 (2).

"Account." (49) "Account" includes bill of costs. 58 V. c. 34, s. 1 (6).

(50) "Receiver" includes interim receiver. 58 V. c. 34, s. 1 (7). "Receiver."

(51) "Contributory" includes any person who (either in his own right or as liable for or representing another) is bound to contribute to the assets of a corporation for the payment of its debts. Cf. 58 V. c. 34, s. 1 (2). "Contributory."

(52) "Estate" includes estate and effects. 58 V. c. 34, s. 1 (3). "Estate."

(53) "Creditor" includes every person entitled to claim under a matured policy or under a policy having a fixed surrender value; and, in the case of a corporation required by law or departmental regulation to maintain an ascertained or ascertainable reserve to meet its actuarial liabilities under unmatured policies, "creditor" also includes any person holding or entitled to claim under such an unmatured policy. 58 V. c. 34, s. 1 (4). "Creditor."

(54) "Due application" includes such information, evidence and material as the Registrar shall require to be furnished; and also the prepayment to the Provincial Treasurer of the fees hereinafter prescribed in respect of any application, certificate or document required or issued by virtue of this Act. 55 V. c. 39, s. 2 (22). "Due application."

(55) "Upon proof" as applied to any matter connected with the registry of a corporation or person, or with the registration of any matter or thing required by this Act to be registered, means upon proof to the satisfaction of the Registrar. 55 V. c. 39, s. 2 (23). "Upon proof."

(56) "Appeal" includes every judicial revision or review of a judgment, decision, order, direction, determination, finding or conviction, and also includes every case stated or reserved, and every removal of proceedings by way of certiorari or otherwise. 58 V. c. 34, s. 2 (4). "Appeal."

INCORPORATION OF JOINT STOCK COMPANIES.

3.—(1) The Lieutenant-Governor in Council may, on the written recommendation of the Inspector, approved by the Minister, grant by letters patent under the Great Seal, a charter to any number of persons, not less than five, constituting such persons and others (being shareholders in the joint stock company thereby created) a body corporate and politic for the purpose of undertaking and transacting any kind of insurance for which a joint stock company may be licensed under this Act. R. S. O. 1887, c. 167, s. 4 (1). Formation of joint stock company.

(2) Applicants for incorporation under this section shall immediately prior to the actual application, publish in at least four consecutive issues of the *Ontario Gazette* notice of their intention to apply, and shall if so required publish also elsewhere notice of such intention. R. S. O. 1887, c. 157, s. 6. Notice of intended application.

Contents of notice.

(3) The notice required by the next preceding sub-section shall set out the full names and additions of the applicants, and their residences and occupations; shall state the proposed corporate name of the company, the kind of insurance proposed to be transacted, the place where the head office of the company is to be, the amount of capital stock, the number of shares into which the capital is to be divided, and the amount of each share. R. S. O. 1887, c. 157, s. 6.

Delivery of application and material.

(4) The applicants shall deliver to the Inspector the application for incorporation, together with proof that public notice has been duly given thereof; shall also deliver copies of the proposed by-laws of the corporation and such other material as under this Act is required of a company applying for license, including the Provincial Treasurer's receipts for all necessary fees, and thereupon the Inspector shall make his report to the Minister. R. S. O. 1887, c. 167, ss. 4, 6.

Report of Inspector.

Form of letters patent under section 3.

4. All letters patent issued to applicants for incorporation under section 3 shall be expressed to take effect on and from the day of the date of the initial license issued to the applicant company under this Act; also the incorporation shall be expressed in the letters patent to be for the transaction of such kind or kinds of insurance as shall be authorized by the Provincial license from time to time issued to the said company. O. C., 31st July, 1889.

Directors.

5.—(1) The affairs of every company incorporated under section 3 shall be managed by a board of not less than five nor more than fifteen directors. R. S. O. 1887, c. 167, s. 5 (1); 55 V., c. 39, s. 63 (1).

(2) The first five of the persons named in the charter of incorporation shall be directors of the company until replaced by other duly named in their stead. R. S. O. 1887, c. 167, s. 5 (2).

(3) The after directors of the company shall be elected by the shareholders in general meeting of the company assembled, at such times, in such wise, and for such term, not exceeding two years, as the by-laws of the company may prescribe. R. S. O. 1887, c. 167, s. 5 (3)

Capital stock.

6.- (1) The capital stock of the company incorporated under section 4 shall be as follows:—

If the company undertakes fire, or fire and inland marine, or accident, or life, or life and accident, or guarantee, or suretyship insurance, the capital stock shall be not less than $500,000, with liberty to increase the same to $1,000,000 with the assent of the Lieutenant-Governor in Council; and before applying for license the company shall furnish to the Inspector satisfactory evidence that of the said capital stock at least $300,000 has been subscribed for and taken up *bona fide*, and that

$30,000 of the said subscribed stock has been paid into some chartered bank of Canada. R. S. O. 1887, c. 167, s. 6 (1).

(2) If the company undertakes live-stock insurance, with or without insurance on vehicles, the capital stock shall be at least $300,000, with liberty to increase the same as in the first sub-section, $500,000 of which, as in said sub-section $150,000 shall be shown to have been subscribed, and $15,000 to have been paid into some chartered bank of Canada. R. S. O. 1887, c. 167, s. 6 (2).

(3) If the company (being other than as in the preceding or following sub-sections) undertakes insurance against any loss of or damage to property by accidental causes, including explosions or by reason of larceny, housebreaking or burglary, the capital stock shall be at least $100,000, with liberty to increase the same as in the first sub-section to $250,000, of which, as in said sub-section, $60,000 shall be shown to have been subscribed, and $11,000 to have been paid into some chartered bank of Canada. R. S. O. 1887, c. 167, s. 6 (3); cf. 57 V. c. 98 *(O)*; 56 V. c. 78 *(C)*; 54-5 V. c. 118 *(C)*; 38 V. c. 95 *(C)*; 45 V. c. 102 *(C)*; 52 V. c. 97 *(C)*; 55 V. c. 68 *(C)*.

(4) If the company undertakes bicycle or vehicle insurance or plate glass insurance the capital stock shall be at the least $25,000, with liberty to increase the same as in the first sub-section to $100,000, of which first mentioned sum $12,000 at the least shall be shown to have been subscribed, and $6,000 at the least to have been paid into some chartered bank of Canada. R. S. O. c. 167, s. 6 (2).

Corporate power forfeited by non user, or discontinuance of business; or suspension or cancellation of license.

Except for winding up,

which may be limited by decree.

Receiver.

7. The corporate powers of any company, whether incorporated under this Act or under any special Act, shall be forfeited by non-user during three years after the date of incorporation; or if, after a company has undertaken contracts within the intent of this Act, such company discontinues business for one year; or if its license remains suspended for one year; or if its license is cancelled otherwise than by mere effluxion of time and is not renewed within the period limited in section [redacted]; and thereupon the company's corporate powers shall *ipso facto* cease and determine, except for the sole purpose of winding up its affairs; and in any action or proceeding where such non-user is alleged, proof of user shall be upon the corporation; and the High Court, upon the petition of the Attorney-General, or any person interested, may by decree limit the time within which the company shall settle and close its accounts, and may for this specific purpose, or for the purpose of liquidation generally, appoint a receiver. R. S. O. 1887, c. 167, s. 7.

FORMATION AND INCORPORATION OF MUTUAL AND CASH-MUTUAL FIRE INSURANCE COMPANIES.

Meetings to establish companies, how called.

8. Ten freeholders in any municipality or association of municipalities may call a meeting of the freeholders thereof to consult whether it is expedient to establish therein a fire insurance company upon the mutual or cash-mutual principle. R. S. O. 1887, c. 167, s. 8.

Advertisement calling such meeting.

9. The meeting shall be called by advertisement, mentioning the time and place and object of the meeting; and the advertisement shall be published once in the *Ontario Gazette*, and for three weeks in one or more of the newspapers published in the county. R. S. O. 1887, c. 167, s. 9.

Subscription book.

10. If thirty freeholders of the municipality are present at the meeting, and a majority of them determine that it is expedient to establish a mutual or cash-mutual fire insurance company, they may elect three persons from among them to open and keep a subscription book, in which owners of property, movable or immovable, within the Province of Ontario may sign their names, and enter the sum for which they shall respectively bind themselves to effect insurance with the company. R. S. O. 1887, c. 167, s. 10.

When meeting may be called.

11. Where seventy-five or more persons, being owners of movable or immovable property in the Province of Ontario, have signed their names in the subscription book and bound themselves to effect insurance in the company, which in the aggregate shall amount to $150,000 at least, a meeting shall be called as hereinafter provided. R. S. O. 1887, c. 167, s. 11.

How meeting to be called.

12.—(1) As soon as convenient after the subscription book has been completed in manner aforesaid, any ten of the subscribers thereto may call the first meeting of the company at such time and place within the municipality as they may determine; such meeting shall be called by sending a printed notice by mail, addressed to every subscriber at his post office address, at least ten days before the day of the meeting, and by advertisement in one or more papers published in the county in which the municipality is situated. R. S. O. 1887, c. 167, s. 12 (1).

(2) The said notice and advertisement shall contain the object of the meeting, and the time and place at which it is to be held. R. S. O. 1887, c. 167, s. 12 (2).

Election of directors.

13.—(1) At such meeting (including any necessary or reasonable adjournment of the same) the name and style of the company, including the appellations "fire" and "mutual," shall be adopted, and a secretary *ad interim* appointed, and a board of directors elected as hereinafter provided and the place named at which the head office of the company shall be located. R. S. O. 1887, c. 167, s. 13 (1).

(2) To constitute a valid meeting for the purposes of the first sub-section, at least twenty-five of the aforesaid subscribers must be present. R. S. O. 1887, c. 167, s. 13 (2).

(3) In case of a county or township the head office may be in any city, town or village within the boundaries of the county or township or adjacent thereto. R. S. O. 1887, c. 167, s. 13 (3).

Names of directors to be filed in registry office.

14. Copies of the minutes of the said several meetings, of the resolutions adopting the name or style, and the place of the head office of the company, and of the subscription book and the names of the directors elected shall thereupon be made; and all such documents certified as correct under the hands of the chairman and secretary, shall be filed in the office of the Registrar of Deeds for the registry division wherein the head office of the company is situate. R. S. O. 1887, c. 167, ss. 14, 2 (15).

Thereon the corporation formed.

15.—(1) Upon the filing of said documents, with the certificate, the subscribers above mentioned, and all other persons thereafter effecting insurance in the company, (such subscribers or persons being insured on the premium-note plan), shall become members of the company and shall be a body corporate by and under the name so adopted. R. S. O. 1887, c. 167, s. 15 (1); s. 2 (14).

Forfeiture of the corporate powers of the company.

(2) But the corporate powers of the company shall as provided by section 7 be forfeited by non-user or discontinuance of business, or by suspension or cancellation of license, which section shall in all respects apply as well to mutual and cash-mutual companies as to joint stock companies. R. S. O. 1887, c. 167, s. 15 (2).

Meeting of directors to elect president and officers.

16. As soon after the aforesaid meeting as convenient, the secretary *ad interim* shall call a meeting of the board of directors, for the election of a president and vice-president from amongst themselves, for the appointment of a secretary, treasurer or manager, and the transaction of such other business as may be brought before them. R. S. O. 1887, c. 167, s. 16.

Copies of resolutions, subscription,

17. After the company has filed in the office of the Registrar of Deeds the documents mentioned in section 14, and before the company shall transact or be entitled to transact any insurance business, the chairman and secretary shall transmit or deliver like copies (duly certified by them to be true copies and endorsed by the Registrar or Deputy Registrar of Deeds as having been duly filed) to the Inspector at his office in Toronto, accompanied by a statement signed by the chairman and secretary, stating the kind and character of the risks intended to be taken by the company, that is to say, whether the business to be transacted is the insurance of farm and isolated buildings

Books and statements of proposed business to be transmitted to Insurance Inspector.

Inquiries to be made by Inspector after receiving statement.

and property, or of mercantile, manufacturing and other hazardous and extra hazardous properties, or of both; also whether the company has been organized and incorporated as a mutual or as a cash mutual company. R. S. O. 1887, c. 167, s. 71; s. 2 (15).

18. Upon the receipt of such certified copies and of the aforesaid statement by the Inspector, he shall proceed to ascertain whether the proceedings for the corporation of the company have been taken in accordance with the law in that behalf, and whether the subscriptions are *bona fide*, and by persons possessing property to insure, and whether the proposed name is the same as that of any existing company, or may be easily confounded therewith, and he may require the declaration of any person or persons upon oath to be filed with him, touching any matters concerning which he is called upon to make inquiry. R. S. O. 1887, c. 167, s. 18.

On report of Inspector Minister may issue license.

19. If, upon examination, the Inspector shall find that the said subscriptions have been made in good faith by persons entitled to make the same, and that the proposed name is satisfactory, and that the company has complied with this Act in respect of deposit, and in all other respects, the Minister may thereupon issue a license under his hand and seal setting forth that the company is thereby licensed to transact the kind of business specified in the license, for the term therein also specified, but not exceeding twelve months from the date of issue; but such license may from time to time be renewed as hereinafter provided. R. S. O. 1887, c. 167, s. 19.

SHARE OR STOCK CAPITAL IN MUTUAL OR CASH MUTUAL FIRE INSURANCE COMPANIES, CONVERSION OF MUTUAL OR CASH MUTUAL INTO JOINT STOCK COMPANIES.

Power to raise share capital.

20. Any mutual or cash-mutual fire insurance company, incorporated under this or any former Act, may with the prior assent of the Lieutenant-Governor in Council, raise a share or stock capital of not less than $100,000, and may with the like assent increase the same from time to time to a sum not exceeding $500,000: Provided that the same public notice as that prescribed by section 3 has been given by the company of its intention to raise, or to increase such capital. R. S. O. 1887, c. 167, s. 30.

Subscribers to become members of company.

21. Every subscriber shall, on allotment of one or more shares to him, become a member of the company; with all incidental rights, privileges and liabilities. R. S. O. 1887, c. 167, s. 31.

Transfer of shares.

22. The shares shall be personal estate, and shall be transferable, but no transfer shall be valid unless made on the books of the company; and, until fully paid up, no share shall be

transferable without the consent of the board of directors, nor shall any transfer be valid while any call previously made remains unpaid; and the company shall have a lien on the shares of any shareholder for unpaid calls or other debts due by him to the company, and for any obligation held by the company against him; and after any call, debt or obligation becomes due, the company may, upon one month's notice to the shareholder, his executors or administrators, sell his shares or a sufficient portion thereof to pay the call, debt or obligation, and transfer the shares so sold to the purchaser. R. S. O. 1887, c. 167, s. 32.

Forfeiture of shares.

23. The company may, also after default made in the payment of any call upon any share for one month, and after notice having been first given as in the next preceding section mentioned, declare the share and all sums previously paid thereon, forfeited to the company, and the company may sell or re-issue forfeited shares on such terms as they think fit for the benefit of the company. R. S. O. 1887, c. 167, s. 33.

When company may make insurances for premiums payable wholly in cash.

24. After $100,000 of the stock or share capital has been *bona fide* subscribed, and ten per centum paid thereon into the funds of the company, the company may make insurance for premiums payable wholly in cash; but no insurance on the wholly cash principle shall make the insured a member of the company, or make him liable to contribute or pay any sum to the company, or to its funds, or to any other member thereof, beyond the cash premium agreed upon, or give him any right to participate in the profits or surplus funds of the company, but the company shall not transact any business wholly on the cash principle without first procuring a license from the Minister pursuant to this Act. R. S. O. 1887, c. 167, s. 34.

Dividends.

25. The net annual profits and gains of the company not including therein any premium notes or undertakings shall be applied, in the first place, to pay a dividend on the share capital, not exceeding the rate of ten per centum per annum, and the surplus, if any, shall be applied in the manner provided by the by-laws of the company. R. S. O. 1887, c. 167, s. 35.

Qualification of directors.

26. After the share capital has been subscribed as aforesaid, at least two-thirds of the persons to be elected directors of the company in addition to the qualifications required by section 117 of this Act, shall be holders of shares of the capital stock to the amount of $1,000 upon which all calls have been duly paid; the other one-third of the directors to be elected shall possess at least the qualifications required by section 117. R. S. O. c. 167, s. 36.

By-laws.

27. The board of directors of any company which shall raise a share or stock capital under this Act, may make such by-laws, subject to the provisions of this Act, and not incon-

sistent with or contrary to law, as may be necessary to carry out the objects and intentions of this Act, and to give effect to the provisions thereof; and may rescind, alter, vary, or add to the same from time to time. R. S. O. 1887, c. 167, s. 37.

How a mutual company may become a stock company.

28. Any mutual or cash mutual fire insurance company heretofore incorporated or organized, or which may be hereafter incorporated or organized, under any of the laws of this Province, having surplus assets, aside from premium notes or undertakings, sufficient to re-insure all its outstanding risks, after having given notice once a week for four weeks of their intention, and of the meeting hereinafter provided for, in the *Ontario Gazette* and in a newspaper published in the county where the company is located, with the consent of two-thirds of the members present at any regular annual meeting, and of two-thirds of the subscribers of share or stock capital, or at any special general meeting called for the purpose or with the consent in writing of two-thirds of the members of the company, and the consent also of three-fourths of the directors, and of two-thirds of the subscribers to the share or stock capital, may, as provided in section 3 of this Act, be formed into a joint stock company after application having been made in terms of the said section; and every member of such company, on the day of the said annual or special meeting, or the date of the written consent, shall be entitled to priority in subscribing to the capital stock of the company, for one month after the opening of the books of subscription to the capital stock, in proportion to the amount of insurance held by such members on unexpired risks in force on the day of the annual or special meeting, or the date of the written consent. R.S.O. 1887, c. 167, s. 28.

New company to be answerable for liabilities of former company.

29. Any company which may be formed under the provision of the last preceding section shall be answerable for all the liabilities of the company from which it has been formed, and may be sued therefor by or under its new corporate name, and the assets, real and personal, of the old company shall pass to and become vested in the new company. R. S. O. 1887, c. 167, s. 39.

INCORPORATION OF FRIENDLY SOCIETIES.

No corporation created after 10th March, 1890, under R.S.O., c. 172, to undertake insurance.

30.—(1) No company, society, association or organization incorporated after the tenth day of March, 1890, under the Revised Statute respecting Benevolent, Provident and other Societies, or under any Act amending or consolidating the same, shall have authority to undertake or effect for valuable consideration, or to agree or offer so to undertake or effect any contract of insurance within the meaning of section 2 of this Act; and any person who in contravention of this section acts or purports to act for any such corporation in any such contract or

offer shall be guilty of an offence punishable as enacted in section 85 of this Act. 53 V. c. 39, s. 9. Penalty.

(2) No company, society, association or organization incorporated under the Revised Statute respecting Benevolent, Provident and other Societies on or before the tenth day of March, 1890, and not authorized by its original certificate or declaration of incorporation to undertake such contracts as mentioned in the next preceding sub-section shall by virtue of section 19 of the said Revised Statute, or otherwise, have authority to change or extend the purposes of the corporation so as to include the undertaking of such contracts. 53 V. c. 39, s. 9, *proviso*. Corporation created on or before 10th March, 1890, not to change purposes so as to include insurance.

31. If any body duly incorporated to undertake such contracts by virtue of any prior enactment of the Province or to be incorporated by virtue of sections of this Act does not go into actual operation within two years after incorporation, or, for two consecutive years does not use its corporate powers for the purposes or for the chief purpose set forth in the declaration or the application for incorporation, such non-user shall *ipso jacto* work a forfeiture of the corporate powers except so far as necessary for winding up the corporation; and in any action or proceeding where such non-user is alleged, proof of user shall lie upon the corporation. R. S. O. 1887, c. 172, s. 1; 55 V. c. 39, s. 63 (1); 56 V. c. 32, s. 2 (4). Corporate franchise forfeited by non-user.

32.—(1) If after a reasonable time has been given to the corporation to be heard, it appears to the Lieutenant-Governor in Council that any body incorporated under the sections or enactments referred to in sections 30 and 31 is using its corporate powers for any fraudulent or any unlawful purpose, it shall be lawful for the Lieutenant-Governor in Council to suspend for a limited period, or to revoke the said corporate powers, and on any revocation the corporate powers shall *ipso facto* absolutely cease and determine, except for the sole purpose of winding up the affairs of the corporation; and the High Court upon the petition of the Attorney-General, or of any person interested, may, by judgment or order limit the time within which the corporation shall settle and close its accounts, and may for this specified purpose, or for the purpose of liquidation generally, appoint a receiver. 53 V. c. 39, s. 10 (1). Unlawful use of corporate powers. Suspension or revocation of powers.

(2) Notice of any suspension or revocation of corporate powers as aforesaid shall be given in the *Ontario Gazette*, and also elsewhere if the Lieutenant-Governor in Council so determines. 53 V. c. 39, s. 10 (2). Public notice.

(3) If during the suspension, or after the revocation of its corporate powers, any director, officer, agent, employee, or other person acting or purporting to act in behalf of the body theretofore incorporated, undertakes any contract of insurance within the meaning of this Act, he shall be guilty Penalty for undertaking insurance during suspension, or after revocation of powers.

of an offence punishable as enacted in section 85 of this Act. 53 V. c. 39, s. 11 (1).

Foreign friendly societies; incorporation of Provincial body.

33.—(1) Where a friendly society, registered under this Act has its head office elsewhere than in the Province of Ontario, the Grand or other Provincial body, or the lodges or a majority of the lodges situated in the Province may file with the Insurance Registrar an application or applications for Provincial incorporation, setting forth the facts of the case and the proposed corporate name, and head office, and the purposes and rules of the society; also naming those persons who are to be its first trustees of managing officers, and stating the mode in which their successors are to be elected; also furnishing such other information as the Registrar requires. 56 V. c. 32, s. 2 (1).

Hearing of application and notice.

(2) Upon due application made the Registrar may name a day for the hearing of the application, and such public notice of the hearing shall be given in the *Ontario Gazette* and otherwise as the Registrar shall direct. 56 V. c. 32, s. 2 (2).

Certificate of incorporation.

(3) If, upon the hearing, it appears to the Registrar that such incorporation ought to be granted, he shall have authority to certify in duplicate, or in as many parts as may be required, under his hand and the seal of his office that he finds entitled to incorporation under the name and for the purposes specified in the certificate, the persons mentioned therein. 56 V. c. 32, s. 2 (3).

Filing of certificate.

(4) One of the original parts of the certificate shall be filed in the office of the Provincial Registrar, together with such other documents as the Insurance Registrar shall by his certificate require to be filed; and from the day of such filing the persons mentioned in the Insurance Registrar's certificate and their associates and successors shall thenceforward be a body corporate and politic, and shall have the powers, rights and immunities vested by law in such bodies. 56 V. c. 32, s. 2 (4).

Registration.

(5) Upon due application the Insurance Registrar shall have authority to admit to registry as a friendly society the body so incorporated. 56 V. c. 32, s. 2 (5).

Incorporation of auxiliary bodies.

34. Where it is in the opinion of the Insurance Registrar necessary or expedient that an auxiliary, or local or subordinate body or branch of a registered society should be separately incorporated, or separately registered, or both, or that two or more societies should be incorporated or registered as one society, the Insurance Registrar may direct the like proceedings to be taken as in the next preceding section enacted, and the filing of his certificate in the office of the Provincial Registrar shall have the same effect as therein enacted; also upon due application the body so incorporated may be registered. 56 V. c. 32, s. 3.

Registration.

35. Any unincorporated lodge or body controlled by a registered society, and operated under the uniform rules prescribed by the said society, and not contrary to law, may through the society, make application to the Insurance Registrar for incorporation; if upon due application it appears to him that incorporation ought to be granted, he may certify the same under his hand and the seal of his office; and the filing of his certificate in the office of the Provincial Registrar shall have the same effect as enacted in section 33. 56 V. c. 32, s. 4 (1).

Incorporation of subordinate lodges.

Superannuation or benefit funds under 55 V. c. 42, or Rev. Stat. c. 145, s. 48.

36. The officers of any superannuation or benefit fund authorized by sub-section 7 of section 504 of *The Consolidated Municipal Act, 1892*, or by sub-section 12 of section 496 thereof, or established by virtue of any prior or amending municipal Act, or by virtue of any Act authorizing the establishment of a benefit fund for policemen or firemen, and the officers of any benefit fund established by virtue of section 48 of chapter 145 of the Revised Statutes, 1887, may upon like proceedings taken as enacted in section 33 hereof, become incorporated with the same limitations of corporate powers; and the body so incorporated may, upon due application, be admitted to registry. 56 V. c 32, s. (5).

Unincorporated societies entitled at 10th March, 1890.

37. Where a friendly society has its head office in Ontario, and the society or the lodges of the society were, on the tenth day of March, 1890, and also on the thirty-first day of December, 1892, in actual and active operation, and though the society, being at the first mentioned date entitled to incorporation, did not on or before that date take out incorporation, the Registrar of Friendly Societies, upon proof of the facts, shall have authority to issue a certificate of incorporation as in section 33 hereof enacted, and the filing of such certificate in the office of the Provincial Registrar shall have the same effect as therein provided; upon due application the society so incorporated may be registered. 56 V. c. 32, s. (6).

Incorporation of trade unions and wage-earners' societies.

38.—(1) Upon like proceedings taken as enacted in section 33, incorporation may be granted in either of the two following cases:—

(a) Where any trade or labor union, or trade or labor organization proposes to undertake contracts with its own members exclusively, for any of the insurance benefits enumerated in sub-section [illegible] of section [illegible], or contracts to furnish tools or to pay unemployed or superannuation benefits to the said members. 57 V. c. 48, s. 2 (1*a*): 58 V. c. 34, s. 1 (8).

(b) Where any organization of persons resident in Ontario, consisting of not less than twenty-five members and

managed and operated as a friendly society under rules conforming to this Act proposes to contract with its own members exclusively for sick benefits, not exceeding five dollars per week and a funeral benefit of not more than one hundred dollars, or either of such benefits. 57 V. c. 48, s. 2 (1*b*).

Registry of bodies so incorporated.

(2) The body so incorporated may, upon due application, be admitted to registry as a friendly society; but unless and until so registered, the corporation shall not undertake, nor agree or offer to undertake, any contract insuring the said or other insurance benefits. 57 V. c. 48, s. 2 (2).

Merger of prior incorporation.

39. Where any society, association, union, organization or lodge already incorporated under a prior Act of this Province becomes incorporated under this Act, such prior incorporation shall be deemed to have been merged in and superseded by the said later incorporation. 57 V. c. 48, s. 3.

CHANGE OF NAME OR OF HEAD OFFICE.

(All Provincial Insurance Corporations.)

Change of corporate name.

40.—(1) Where an insurance corporation within the legislative authority of this Province is desirous of adopting a name different from that by which it was incorporated, or where in the opinion of the Insurance Registrar the name by which the corporation was incorporated may be easily confounded with that of any other existing corporation, or is otherwise on public grounds objectionable, the Lieutenant-Governor in Council, upon the recommendation of the said Registrar, approved by the Minister, may change the name of the corporation to some other name to be set forth in the Order in Council; but no such change of name shall affect the rights or obligations of the corporation; and all proceedings which might have been continued or commenced by or against the corporation by its former name may be continued or commenced by or against the corporation under its new name. 55 V. c. 39, s. 24 (1); R. S. O. 1887, c. 167, s. 145.

(2) The head office of a corporation may be changed upon the like procedure. 58 V. c. 34, s. 5 (6).

Public notice.

(3) Of any such change of name or head office, or application for change of name or head office, such public notice shall be given in the *Ontario Gazette* and otherwise as the Registrar shall direct. 55 V. c. 39, s. 24 (2); 58 V. c. 34, s. 5 (7).

GOVERNMENT DEPOSITS.

Certain corporations to make deposits

41.—(1) Except mutual fire insurance companies licensed only for the insurance of farm buildings and of isolated risks

(such risks being other than mercantile and manufacturing risks) every company applying for a Provincial license to transact insurance shall, before the original issue or the renewal of the license, or of registry, lodge with the Minister the initial or the renewal deposits respectively below stated, and the said deposits shall be made in cash or in deposit receipts of chartered banks of Canada, or in the stock or bonds of the Dominion of Canada or of this Province, or in deposit receipts or terminable debentures of any corporation in the obligations of which trustees may under the law of this Province invest trust moneys; Provided that this section in so far as it alters the amount of the deposit required by statutes heretofore in force shall not apply to such companies as have heretofore reported to the Department of Insurance, but shall, from the passing of this Act, apply to all other companies thereafter licensed. R. S. O. 1887, c. 167, s. 40 (1); 54 V. c. 37, s. 2.

in cash or in certain securities.

Application of section.

Initial deposits.

(2) The initial deposit to be made by any corporation liable to make deposit before the original or initial registry shall be the sum appointed for such corporation in sub-section 4 of this section. R. S. O. 1887, c. 167, s. 40 (2).

Renewal deposits.

(3) Before the annual renewal of registry the amount of deposit required of any such corporation shall on or before the first day of July in each year be re-adjusted in terms of the next following two sub-sections. R. S. O. 1887, c. 167, s. 40 (3).

Deposit for contingent liability of $2,000,000 and under.

(4) If on the preceding 31st day of December in any year the corporation's total contingent liability or amount at risk does not exceed $2,000,000:

(a) Then every joint stock fire or fire and inland marine insurance company, and every life or life and accident company, and every guarantee and surety company shall keep on deposit with the Minister, if a Provincial or Canadian company, $25,000, and if a foreign company, $50,000. R. S. O. 1887, c. 167, s. 40 (4).

(b) Every accident company, if Provincial or Canadian, shall keep on deposit with the Minister $20,000, and if a joint stock foreign company, $40,000. R. S. O. 1887, c. 167, s 40 (4).

(c) Every Provincial mutual fire, or fire and inland marine company, insuring mercantile and manufacturing risks, shall keep on deposit with the Minister $10,000, and every provincial cash mutual fire, or cash mutual fire and inland marine company, $10,000. R S. O. 1887, c. 167, s. 40 (4).

(d) Every live stock insurance company shall keep on deposit as aforesaid, if Provincial or Canadian, $10,000, and if foreign joint stock, $25,000. R.S.O. 1887, c. 167, s. 40 (4).

(e) Every insurance company within the intent of subsection 3 of section 6 shall keep on deposit, as aforesaid, if Provincial or Canadian, $10,000, and if foreign joint stock $20,000. R. S. O. 1887, c. 167, s. 40 (4).

(f) Every insurance company within the intent of subsection 4 of section 6 shall keep on deposit as aforesaid, if Provincial or Canadian, $5,000, and if foreign joint stock, $10,000.

(g) Every foreign company doing only the business of re-insuring fire risks undertaken by companies standing registered under this Act shall keep on deposit, as aforesaid, $10,000.

(h) Every non-provincial friendly society within the intent of sub section 6, section 60, shall keep on deposit $5,000.

Additional deposit for each additional million or fraction.

(5) If on the preceding 31st day of December in any year, the corporation's total contingent liability, or the amount of insurance in force (insured or reinsured) exceeds $2,000,000, then for each additional $1,000,000 or fraction thereof, the corporations enumerated in the next preceding sub-section shall respectively keep on deposit, with the Minister, by way of additional security, a sum equal to one-fifth of the initial deposit, and the additional deposit shall be either in cash or securities as aforesaid. R. S. O. 1887, c. 167, s. 40 (5).

Value at which certain securities received.

42.—(1) Securities of the Dominion of Canada, or securities issued by any of the Provinces of Canada, shall be accepted at their market value at the time when they are deposited. R. S. O. 1887, c. 167, s. 41 (1).

Value at which other securities received.

(2) The other securities above specified shall be accepted at such valuation and on such conditions as the Minister may direct, and the Inspector shall under the name of each company keep a record of the securities deposited on its account, naming in detail the several securities, their par value, and the value at which they are received as deposit. R. S. O. 1887, c. 167, s. 41, s. 53 (5).

If market value declines, company to make further deposit.

(3) If the market value of any of the securities which have been deposited by any company declines below the value at which they were deposited, the Minister may, from time to time, call upon the corporation to make a further deposit, so that the market value of all the securities deposited by any company shall be equal to the amount which they are required to deposit by this Act. R. S. O. 1887, c. 167, s. 41 (3).

Securities, etc., vested in the Minister by virtue of his office to vest also in his successor.

(4) Where any security, obligation or covenant, or any interest in any real or personal estate, effects, or property is given, or transferred to, made with, or vested in the Minister, by virtue of his office, such security, obligation or covenant,

and any right of action in respect thereto, and all the estate, right, or interest of the said Minister in respect of such real or personal estate, effects or property upon the death, resignation or removal from office of the Minister from time to time, and as often as the case happens and the appointment of a successor takes place, shall (subject to the same trusts as the same were respectively subject to), vest in the succeeding Minister by virtue of this Act, and shall and may be proceeded on by any action or in any other manner, or may be assigned, transferred or discharged, in the name of such succeeding Minister as the same might have been proceeded on, assigned, transferred or discharged by the Minister to, with or in whom they were first given, transferred, made, or vested if he had continued to hold office. R. S. O. 1887, c. 167, s. 41 (4).

Assignment, etc., of securities.

(5) Every such security, obligation, covenant or interest in real or personal estate, effects and property may in like manner as in the last section mentioned be proceeded on, assigned, transferred or discharged by and in the name of any member of the Executive Council of Ontario, acting under the authority of section 3 of *The Act respecting the Executive Council*. R. S. O. 1887, c. 167, s. 41 (5).

Application of sub-sec. 4.

(6) Sub-section 4 of this section shall apply to every security, obligation or covenant, and every interest in real or personal estate, effects or property given or transferred to, made with, or vested in any former Minister, by virtue or on account of his office, and shall transfer all the interest, rights and estate of the former Minister to the present Minister, to be vested in him by virtue of his office and subject to the provisions of this Act. R. S. O. 1887, c. 167, s. 41 (6).

Minister may allow companies to change securities deposited with him.

(7) Where any company desires to substitute other securities within the intent of section 41 for securities deposited with the Minister, the Minister, if he thinks fit, may permit the substitution to be made. R. S. O. 1887, c. 167, s. 41 (7).

Voluntary deposits by insurance corporations.

43.—(1) A deposit of any amount not falling below $5,000 may voluntarily be made by any registered friendly society; an insurance company may also voluntarily make a deposit in excess of the amount required by section 41, and such further deposit by the company shall be dealt with as if the same had been part of its original deposit. Cf. R. S. O. 1887, c. 167, s. 42.

Form of deposit: withdrawal.

(2) All such voluntary deposits shall be made in the form prescribed by sub-section 1 of section 41, and no part of such voluntary deposits shall be withdrawn except with the sanction of the Minister: Provided the interest upon the securities forming the deposit shall be handed over to the depositing corporation. R. S. O. 1887, c. 167, s. 42.

Withdrawal of deposit where com-

44. A company having made a deposit under this Act shall be entitled to withdraw the deposit, with the sanction of the

pany licensed by Dominion.

Lieutenant-Governor in Council, whenever it is made to appear to the satisfaction of the Lieutenant-Governor in Council that the company is carrying on its business of insurance under license from the Dominion of Canada. Cf. R. S. O. 1877, c. 167, s. 43.

Any deficiency of security to be made good, or license forfeited.

45. If from the annual statements, or other examination of the affairs and condition of any company, it appears that the re-insurance value of all its risks outstanding in Ontario, together with any other liabilities in Ontario, exceeds its assets in Ontario, (including the deposit in the hands of the Minister), then the company shall be called upon by the Minister to make good the deficiency at once, and on failure so to do its license may be suspended or may be cancelled, and in case of cancellation, if a Provincial corporation, its corporate powers shall thereupon cease and determine, except for the purpose of winding up its affairs as provided in section 7. R. S. O. 1887, c. 167, s. 44.

As to interest on securities.

46. Except in cases with respect to which it may be otherwise provided by the Lieutenant-Governor in Council so long as any company's deposit is unimpaired and no notice of any final judgment or order to the contrary is served upon the Minister, the interest upon the securities forming the deposit shall be handed over to the company. R. S. O. 1887, c. 167, s. 45.

Licenses forfeited by failure to deposit, non-payment of claims and consequent deficiency of security.

47. Where a company fails to make the deposits under this Act at the time required, or where written notice has been served on the Minister of an undisputed claim arising from loss insured against in Ontario remaining unpaid for the space of sixty days after being due, or of a disputed claim after final judgment in a regular course of law and tender of a legal valid discharge being unpaid, so that the amount of securities representing the deposit of the company is liable to be reduced by sale or administration of any portion thereof, the license of the company may be suspended, or may be cancelled; but in case of suspension under this or the preceding section the license may be revived, and the company may again transact business, if within sixty days after notice to the Minister of the company's failure to pay any undisputed claim, or the amount of any final judgment as provided in this section, such undisputed claims or final judgments upon or against the company in Ontario are paid and satisfied, and the company's deposit is no longer liable to be reduced below the amount required by this Act. R. S. O. 1887, c. 167, s. 46.

Renewal on certain conditions.

Government deposit security for certain contracts only.

48. The securities deposited with the Minister shall be subject to administration only in respect of any contract which falls within section 2, and which further has for its subject some property in the Province, or property in transit

to or from the Province, or the life, safety, health, fidelity, or insurable interest of some resident of the Province, or where the contract itself makes the payment thereunder primarily payable to some resident of the Province. R. S. O. 1887, c. 167, s. 47.

When a company shall be liable to have deposits administered.

49.—(1) Under an order of the High Court any company shall be liable to have its deposit in the hands of the Minister administered in manner hereinafter mentioned upon the failure of the company to pay any undisputed claim arising under any contract within the intent of section 48 for the space of sixty days after being due, or, if disputed, after final judgment and tender of a legal valid discharge, and (in either case) after notice thereof to the Minister, and to the Insurance Registrar. In case of such administration, the whole deposit of the company, held by the Minister, shall, after the costs of administration have been provided for, be deemed to be assets for the holders of such contracts, whose rights as among themselves shall be determined as provided for in sub-section 4 of section 192. R. S. O. 1887, c. 167, s. 48 (1).

Provisions for application of deposits in such case.

Proviso, if delay was given for the payment of any loss.

(2) In any case where a claim accruing on the occurrence of any event is by the terms of the contract payable on proof of such occurrence, without any stipulated delay, the notice required under this section shall not be given until after the lapse of sixty days from the time when the claim becomes due R. S. O. 1887, c. 167, s. 48 (2).

Administration of deposit.

50.—(1) Before the application is made to the Court for the administration of a company's deposit at least ten days' notice in writing of such intended application, setting out the grounds thereof, shall be served on the Minister, and also upon the Insurance Registrar; and the notice shall designate the Court to which application is proposed to be made, and shall state the day named for the hearing of the same. R. S. O. 1887, c. 167, s. 49.

Administration proceedings.

(2) If an order for administration is granted, the company shall be deemed to have thereby become unregistered. In the case of a Provincial company, the winding up of the company shall be deemed to have commenced under section 187 as from the date of the administration order. In the case of a foreign or extra-Provincial company, upon motion of any person interested in the administration or of the Insurance Registrar, the Master in Ordinary shall appoint a competent and otherwise suitable person to be administrator, and in respect of the administration the said Master shall have the like powers and duties as in the case of a receivership under this Act.

Duty of company ceasing business.

51. Where a company has ceased to transact business in Ontario, and has given written notice to that effect to the Minister and to the Inspector, it shall re-insure all such out-

standing contracts as are within section 48 in some company or companies registered to do business in Ontario, or obtain a discharge of such contracts, and its securities shall not be delivered to the company until such reinsurance is effected to the satisfaction of the Minister. R. S. O. 1887, c. 167, s. 51.

Condition on which deposits may be released.

52. Upon making application for its securities the company shall file with the Inspector a list of all contracts within section 48 which have not been so re-insured or have not been discharged; and it shall at the same time publish in the *Ontario Gazette* a notice that it has applied to the Lieutenant-Governor in Council for the release of its securities on a certain day, not less than three months after the date of the notice, and calling upon all claimants, contingent or actual, opposing the release to file their opposition with the Inspector on or before the day so named; and after that day, if the Minister is satisfied that the company has ample assets to meet its liabilities under section 48, all the securities may be released to the company by an order of the Lieutenant-Governor in Council, or a sufficient amount of them may be retained to cover the claims filed, and the remainder may be released, and thereafter from time to time as such opposing claims lapse, or proof is adduced that they have been satisfied, further releases may be made on the authority aforesaid. Cf. R. S. O. 1887, c. 167, s. 52

LICENSING OF INSURANCE COMPANIES.

What corporations shall before registry be licensed by the Province.

53.—(1) All insurance corporations not being companies within the intent of section 59, and not being friendly societies within the intent of section 60, shall, before becoming entitled to registry, obtain a license from the Minister.

Proceedings to license.

(2) Applicants for license shall file with the Insurance Registrar the documents mentioned in sections 3 and 17, and also the documents hereinafter required of an applicant for registry; and shall before license comply with the provisions of section 41 relating to deposit.

When license shall issue.

(3) As soon as the company applying for license has deposited the securities hereinbefore mentioned, and has otherwise conformed to the requirements of this Act, the Minister may issue the license. R. S. O. 1887, c. 167, s. 58.

Form of license.

(4) The license shall be in such form as may be from time to time determined by the Minister, and shall specify the business to be carried on by the company; and shall expire on the thirtieth day of June in each year, but shall be renewable from year to year. A record of the licenses and supplementary licenses as they are issued or renewed shall be kept in the office of the Insurance Registrar. R. S. O. 1887, c. 167, s. 57; s. 53 (5); s. 60 (2).

Record of licenses.

(5) Licensees under this section shall be entitled to be registered as provided in section 58. Licensees to be entitled to registry.

(6) Where a company desires to extend its business to some other branch of insurance within the intent of this Act, and has complied with the law in respect of additional deposit and otherwise, the Minister may on the report of the Insurance Registrar issue to the company a supplementary license authorizing it to undertake such other branch of business. R. S. O 1887, c. 167, s. 60 (1). Supplementary licensees.

(7) The provisions herein enacted as to the continuance, renewal, suspension and cancellation of licenses shall equally apply to supplementary licenses. R. S. O. 1887, c. 169, s. 60 (3). Supplementary licenses subject to same provisions as licenses.

(8) After a company has ceased to transact business in Ontario after the notice by this Act required and its license has in consequence been withdrawn, the company shall nevertheless pay the losses arising from policies not re-insured or surrendered as if the license had not been withdrawn. R. S. O. 1887, c. 167, s. 61. Notwithstanding withdrawal of license company's liability for losses continues.

REGISTRATION OF INSURANCE CORPORATIONS.

54. After the 31st day of December, 1892, no insurance other than as enacted by and for the purposes of *The Land Titles Act*, and other than contracts of guarantee undertaken by a company standing registered under *The Loan Corporations' Act*, shall be transacted or undertaken in Ontario except by a corporation duly registered as herein provided. 55 V. c. 39, s. 3. No unregistered corporation to undertake insurance.

Provided that no superannuation or insurance or annuity fund, managed or controlled by the Government of the Dominion of Canada for the benefit of the civil service thereof shall require to be registered. 56 V. c. 32, s. 10 (3). Civil service fund of Canada.

55. Two registers shall be opened and kept as follows:— Two registers to be kept.

(1) A register of the corporations enumerated in sections 58 and 59; this register, which may be known as "The Insurance Company Register," shall be kept in the office and under direction of the Inspector of Insurance. 55 V. c. 39, s. 4 (1). Insurance companies register.

(2) A register of friendly societies authorized hereunder by certificate of registry to undertake insurance contracts, or contracts in the nature of insurance; this register, which may be known as "The Friendly Society Register," shall be kept in the office and under the direction of the Registrar of Friendly Societies who may be the Inspector of Insurance, or such other person as the Lieutenant-Governor in Council shall appoint; and such assistants may, by the same authority, be appointed as from time to time the case requires; Provided, the first Registrar of Friendly Societies shall be the Inspector of Insurance. 55 V. c. 39, s. 4 (2), s. 11 (1). Friendly society register. Proviso.

"Registrar" or "Insurance Registrar."

(3) In this Act "Registrar" or "Insurance Registrar" means the Inspector of Insurance or the Registrar of Friendly Societies, according as the matter pertains to an insurance company or to a friendly society respectively.

Powers and duties of the Registrar.

56.—(1) The duty of determining and distinguishing those corporations which under this Act are required to be registered and are legally entitled to registry, and of granting registry accordingly, shall devolve upon the Insurance Registrar subject to appeal as hereinafter provided. 55 V. c. 39. s. 7 (1), s. 11 (2).

Evidence.

(2) For purposes of his duties under this Act, or under any other Act relating to insurance, the Registrar may require to be made, and may take and receive affidavits and depositions, and may examine witnesses upon oath; and the Registrar shall have the same power to summons officers of corporations, receivers and liquidators, and other persons to attend as witnesses, to enforce their attendance, and to compel them to produce books and documents and to give evidence as any court has in civil cases. 55 V. c. 39, s. 7 (2), s. 11 (2); 58 V. c. 34, s. 3 (4), s. 5.

INSURANCE COMPANY REGISTER: WHAT CORPORATIONS MAY BE REGISTERED THEREON.

Companies standing registered at the passing of this Act.

57. Insurance companies which, at the passing of this Act stand duly registered as such shall be admissible to registry on the Insurance Company Register.

Insurance licenses of Ontario, how registered.

58.—(1) Insurance licensees of the Province of Ontario shall be entitled on the issue or the renewal of their licenses to be registered, without additional charge, upon the Insurance Company Register, and the fact of such registration shall before delivery over of the license, original or renewed, be endorsed thereon. 55 V. c. 39, s. 5 (1).

Suspension or cancellation or non-renewal of Provincial license.

(2) Suspension or cancellation or non-renewal of the license issued under this Act shall, *ipso facto*, and without notice from the Insurance Registrar, operate in the respective cases as suspension or cancellation of registry. 55 V. c. 30, s. 5 (2).

Insurance licensees of Canada, how registered.

59.—(1) Insurance licensees of the Dominion of Canada may, upon due application and upon proof of such license subsisting, be registered on the Insurance Company Register. 55 V. c. 39, s. 6 (1); 58 V. c 34, s. 3 (3).

Interpretation "licensees."

(2) For purposes of this Act such licensees shall include corporations authorized by any instrument or document issued prior to the 16th day of April, 1895, under or by virtue of section 38, of *The Insurance Act of Canada*, or issued upon the security of a substantial deposit under section 39 of said Act, or issued under other provisions thereof upon such security, and every licensee licensed under or by virtue of *The Insurance Act of Canada* shall be deemed to be a corporation for the

purposes of registration under this section. 55 V. c. 39, s. 6 (2); 58 V. c 34, s. 3 (3).

Policies of corporations licensed under R. S. C. c. 124, s. 39.

(3) Where a corporation licensed or authorized under section 39 of *The Insurance Act of Canada* is registered under this Act, every policy and certificate issued and used in Ontario shall conform and be subject to the provisions of the said section; and upon any contravention of the said section the corporation shall be liable to have its registry under this Act suspended or cancelled. 55 V. c. 39, s. 41 (2).

Suspension or cancellation or non-renewal of authorization, etc., under R. S. C. c. 124.

(4) Suspension or cancellation of the authorization of a corporation under *The Insurance Act of Canada* shall, *ipso facto*, and without notice from the Registrar, operate in the respective cases as suspension or cancellation of registry under this Act. 55 V. c. 39, s. 6 (3).

Proviso: revivor of registry.

Provided, that when, after such suspension of authorization under *The Insurance Act of Canada*, the corporation has under the said Act been permitted to revive its authorization, the Registrar may grant a revivor of registry and issue his certificate of the same. 55 V. c. 39, s. 6 (3).

R. S. C. c. 124.

(5) Corporations, companies or insurers within the intent of section 3 (*a*), or 32 of *The Insurance Act of Canada*, may, upon due application, be admitted to registry as if licensed under the said Act. 56 V. c. 32, s. 10 (5).

Lloyd's.

(6) Upon due application of any underwriter of the establishment or society known as Lloyd's, and more particularly described in an Act passed by the Parliament of the United Kingdom in the thirty-fourth and thirty-fifth years of Her Majesty's reign, and chaptered 21, or upon due application of any such underwriter's broker, or broker's agent, such underwriter, broker or agent may be registered for the undertaking and transaction of marine insurance. 56 V. c. 32, s. 10 (5).

Term of registry.

(7) For purposes of this and the next preceding sub-section, the term of annual registry shall commence and end at the respective dates hereinafter prescribed in the case of insurance licensees of the Dominion of Canada. 56 V. c. 32, s. 10 (5).

FRIENDLY SOCIETY REGISTER: WHAT CORPORATIONS MAY BE REGISTERED THEREON.

60. In addition to friendly societies standing duly registered as such at the passing of this Act, the following shall be admissible to registry on the Friendly Society Register:

(1) Societies from time to time incorporated by virtue of sections 33, 34, 36, 37 and 38 of this Act.

Insurance and benefit societies or funds in con-

(2) Any corporation not provided for elsewhere herein which has, by virtue of an Act of the Parliament of Canada,

nection with sundry corporations.

an insurance and provident society or association, or an insurance or guarantee fund in connection with the corporation, may upon due application for registry under this Act, be registered on the Friendly Society Register. 55 V. c. 39, s. 9 (2); 58 V. c. 34, s. 5 (1).

Trades union insurance benefit societies.

(3) Any lawfully incorporated trades union in Ontario which, under the authority of the incorporating Act, has an insurance or benefit fund for the benefit of its own members exclusively, shall, upon due application for registry hereunder be entitled to be registered on the Friendly Society Register. 55 V. c. 39, s. 9 (3).

Provi-o.

Provided, that where any *bona fide* trade union or labor organization provides by its constitution, by-laws or rules for the assistance, relief or support of its members, the Registrar may, by writing, under his hand and the seal of his office, declare the organization exempt from the operation of this Act; and such certificate shall remain valid until by like writing revoked; and the organization so exempted shall not be subject to any penalty imposed by this Act. 55 V. c. 39, s. 9 (3); 56 V. c. 32, s. 10 (7).

Insurance gratuity fund created by an Act of Canada.

(4) Any corporation in Ontario which at the passing of this Act has under authority of an Act of Canada created a fund for paying a gratuity on the happening of death, sickness, infirmity, casualty, accident, disability or any change of physical or mental condition, shall, upon due application for registry hereunder, be entitled to be registered on the Friendly Society Register. 55 V. c. 39, s. 9 (4).

Civil service associations.

(5) Any association of the civil servants or employees of the Dominion of Canada, incorporated by virtue of an Act of the Parliament of Canada may, upon due application, be admitted to registry. 56 V. c. 32, s. 10 (7).

(6) When and so long as any other Province of Canada by virtue of reciprocal law admits to that Province upon the like terms as in this section specified friendly societies incorporated by Ontario, the friendly societies of such Province may be admitted to registry upon due application and compliance with section 41 as to deposit:

Provided that no applicant under this sub-section shall be admissible to registry, initial or renewed,—

(a) Unless the applicant body has for the five years next preceding its application continuously been in actual and active operation as a solvent corporation in that Province of Canada under the law of which it was incorporated; also that at the time of its application it is not in a condition of actual or impending insolvency.

(b) If it undertakes insurance, or insurance benefit contracts with persons other than its own members; or

(c) If it insures or indemnifies against contingencies other than sickness, disability, or death; or funeral expenses; or if the sum or sums insured on the life of any one person exceed in all $3,000; or

(d) If it undertakes any endowment insurance, or any endowments whatever; or if it undertakes any annuities whatsoever upon lives; or undertakes investment bond or tontine, or semi-tontine, or marriage aid contracts; or

(e) If the corporation has in good standing upon its books less than five hundred members; or

(f) If the corporation is in effect the property of its officers or collectors, or belongs to any private proprietary; or if the corporation is conducted as a trading or mercantile venture, or for purposes of commercial gain; or if the funds of the corporation are in the control of persons holding office for life, or if the funds are not in the effective control of the persons insured; and

(g) Unless the applicant body (when the application is made after the 30th day of June, 1898) provides for its contracts upon lives to at least the extent of collecting from its members premiums respectively not less than those set out in Schedule A to this Act, and is collecting in addition to the said premiums such further sum as is reasonably sufficient to provide for the expenses of management.

On proof of the foregoing and on production of the certificate of registry of the proper officer of its own Province—if registry is required by the law of that Province—the society shall be entitled to registry under this Act, and from year to year the society shall show that it is then in good standing under the law of its own Province.

Company guaranteeing its own employees.

61.—(1) Any incorporated company standing registered under this Act, having not less than twenty-five officers, employees or servants, instead of taking private sureties or the bonds of a guarantee company, may, by arrangement with its employees, contract to insure their fidelity by means of a guarantee fund provided as may be agreed out of the salaries or wages of such officers, employees or servants, the whole to be conducted under rules and a form or forms of contract approved in writing by the Insurance Registrar, which may from time to time be amended under his direction or with his assent in writing, and such rules and forms, original and amended, shall

Admission to registry.

from time to time be filed and indexed in the office of the Provincial Registrar. 58 V. c. 34, s. 10 (1).

(2) The said company may upon due application be admitted to registry upon the Friendly Society Register, and may from time to time upon due application so made renew its registry, but unless and until so registered, and unless it stands registered, the said company shall not undertake, nor agree or offer to undertake any contract by this section authorized, or within the intent of this Act, and the term of registry shall be as provided under section 69 of this Act. 58 V. c. 34, s. 10 10 (2).

(3) The fees payable to the Provincial Treasurer in respect of the said registry shall be the same as provided in subdivision 1 of division III. of section 197 of this Act, except that as to the certificate of registry (original or renewed), the fee shall be $10, and as to revivor of registry the fee shall be $10. 58 V. c. 34, s. 10 (3).

Reservations.

62. The following shall not be entitled to register as a friendly society :—

Corporations requiring insurance licenses.

(1) Any corporation within the meaning of sections 58 and 59 and licensed or required by law to be licensed for the transaction of business as an insurance corporation. 55 V. c. 39, s. 4 (2) *a*.

Or distributing charity or gratuities only.

(2) Any corporation, except as enacted in subsection 4 of section 60, having charge of, or managing, or distributing charity, or gratuities, or donations only. 55 Vic. c. 39, s. 4 (2) *b*.

Provided, that where before the 11th day of March, 1891, a corporation was incorporated under *The Act respecting Benevolent, Provident and other Societies*, for the purpose of bestowing gratuities at death or on the happening of sickness, infirmity, casualty, accident, disability, or any change of physical or mental condition, and it is in the opinion of the Registrar desirable that such payments should be made matter of contractual obligation, the corporation may for this purpose amend its constitution or rules as shall be directed by the Registrar under his hand and the seal of his office; and if, within the time limited in the Registrar's direction, the corporation files in the office of the Provincial Registrar, the said direction, and a declaration, verified by the oath of its secretary, or other proper officer, setting out the amendments so directed and made in the constitution or rules with the date of the said amendment, then upon proof of such filing the Registrar may admit the corporation to registry as a friendly society. 55 V. c. 39, s. 4 (2*b*) ; 58 V. c. 34, s. 3 (2).

Societies for charitable purposes only.

Provided also, in any case of doubt where the *bona fide* intention of a society is to afford charitable aid or relief, and

not to create either any contractual right in the members or any contractual obligation against the society, upon the society making such intention apparent in its rules and publications (by such amendment if necessary, as the Registrar shall direct), the registrar may by writing, under his hand and the seal of his office, declare the organization exempt from the operation of this Act, and such certificate shall remain valid until by like writing revoked, and the society so exempted shall not be subject to any penalty imposed by this Act. 56 V. c. 32, s. 10 (4).

Corporations undertaking other than certain contracts.

(3) Any corporation undertaking or offering to undertake insurance other than contracts of insurance made exclusively with its own members against sickness, accident, disability, infirmity, or old age, or for mortuary or funeral benefits, or contracts for the fidelity of officers, servants, or employees of the corporation (including branches or subdivisions thereof), or for a sum or for collective sums not exceeding $3,000 in all, payable at the death of the assured.

Proviso (*a*).

Provided, that upon proof of a friendly society duly incorporated, organized and operated under the law of Ontario or of Canada before the eleventh day of March, 1890, that the society was at the said date transacting exclusively with its members endowment insurance in Ontario, *bona fide*, and has so continued up to the date of application for registry, the Registrar shall have authority to admit the society to registry as a friendly society transacting endowment insurance according to the terms of the certificate of registry. 55 V. c. 39, s. 4 (2C *a*).

Proviso (*b*).

Provided, also, that contracts entered into before the fourteenth day of April, 1892, shall not hereby be invalidated. 55 V. c. 39, s. 4 (2C *b*).

Or any corporation when even the insured number less than 25; or when the insurance fund is used for trade or commercial or private gain.

(4) Any corporation in which the persons insured number less than twenty-five; or in which the insurance fund is used as a trading or mercantile venture, or for purposes of commercial or private gain; or any society organized on the lodge system, the insurance funds of which are held other than as trust funds for the members insured by the society. 55 V. c. 39, s. 4 (2D).

Control of insurance funds must be in members or their elected representatives.

63.—(1) No friendly society heretofore admitted to registry as being then within the intent of *The Act respecting Benevolent, Provident and other Societies*, and also within the intent of *The Insurance Corporation Act, 1892*, shall be deemed to be managed and operated according to the true intent of the said Acts, unless the persons insured in or by the society exercise, either directly or through representatives elected for a term not exceeding three years, effective control over the insurance funds of the society; and no corporation whatsoever, wherein the persons, who by virtue of their office have the disposition, control or possession of the insurance funds

hold such office for life, shall be eligible for registry as a friendly society under this Act. 55 V. c. 39, s. 8 (2).

Proviso.

Provided that, where a corporation otherwise entitled to registry under this Act, is, in the opinion of the Registrar, debarred by reason of some particular clause or clauses in the rules of the corporation, the corporation or the executive board thereof (by whatever name known), may, under the direction of the Registrar, amend its rules in like manner as provided in subsection 2 of section 62 of this Act; and thereupon the Registrar may admit the corporation to registry as a friendly society. 55 V. c. 39, s. 8 (2); 58 V. c. 34, s. 3 (5).

Head offices of Ontario societies.

(2) No society applying for registry or renewal of registry by virtue of its incorporation under any Act of Ontario shall be deemed to be entitled to be registered on the Friendly Society Register unless its head office is situated and maintained in Ontario, and unless the secretary and treasurer are *bona fide* residents of the Province. This subsection shall take effect on, from and after the 1st day of January, 1895. 56 V. c. 32, s. 10 (6); 58 V. c. 34, s. 3 (6).

PROCEEDINGS TO REGISTRY: DURATION OF REGISTRY.

Application for registry.

64.—(1) Application of any insurance corporation for initial registry under this Act, shall be made according to a form to be supplied by the Registrar on request, and the applicant shall deliver to the Registrar at his office the application, duly completed, together with such evidence as the form by its terms requires, and the applicant shall furnish such further information, material and evidence, or give such public notice of the application as the Registrar shall direct; in the case of corporations transacting or undertaking, or offering to undertake or transact insurance in Ontario at the passing of this Act, such corporation shall make due application for registry on or before the 30th day of June, 1892. 55 V. c. 39, s. 12 (1).

Proviso.

Provided that the material required of a friendly society by this subsection shall include duplicate certified copies of the constitution, laws, rules and regulations of the society, and also of Ontario branches thereof, which documents shall be filed with the Registrar, as shall also all amendments thereto made from time to time thereafter. 55 V. c 39, s. 12 (1).

Extension of time.

(2) On sufficient cause shown and upon payment to the Provincial Treasury of the fee hereinafter prescribed, the Registrar may by writing under his hand and the seal of his office extend the time for the delivery of an application, or for the prosecution or completion of an application already delivered or tendered. 55 V. c. 39, s. 12 (2).

In certain cases financial statement to accompany application.

65. The applicant corporation not being a corporation within the intent of sections 58 and 59 of this Act, shall further

deliver to the Registrar a statement in such form as is required by the said officer of the financial condition and affairs of the corporation on the 31st day of December then next preceding, or up to the usual balancing day of the corporation, if such balancing day is not more than twelve months before the filing of the statement, and such statement showing the corporation to be solvent shall be signed by the president and secretary or other proper officers of the corporation, and shall be verified by their oath. 55 V. c. 39, s. 13.

Power of attorney to receive service of process must accompany applications in certain cases.

66.—(1) Where any corporation applying for initial registry has its head office elsewhere than in Ontario, its application for registry shall be accompanied by a power of attorney from the corporation to an agent resident in Ontario; the power of attorney shall be under the seal of the corporation, and be signed by the president and secretary or other proper officers thereof in the presence of a witness, who shall make oath or affirmation as to the due execution thereof; and the official positions in the corporation held by the officers signing such power of attorney shall be sworn to or affirmed by some person cognizant of the facts necessary in that behalf. R. S. O. 1887, c. 167, s. 53 (1); 55 V. c. 39, s. 14 (1).

Contents of power of attorney.

(2) The power of attorney shall declare at what place in the Province the chief agency of the corporation is or is to be established, and shall expressly authorize such attorney to receive service of process in all actions and proceedings against the corporation in the Province for any liabilities incurred by the corporation therein, and also to receive from the Registrar all notices which the law requires to be given, or which it is thought advisable to give, and shall declare that service of process for or in respect of such liabilities, and receipt of such notices at such office or chief agency, or personally, on or by such attorney at the place where such chief agency is established, shall be legal and binding on the corporation to all intents and purposes whatsoever. 55 V. c. 39, s. 14 (2); R. S. O. 1887, c. 167, s. 53 (2).

Filing of power of attorney.

(3) The power of attorney, duly executed, shall be filed by the Registrar in his office. 55 V. c. 39, s. 14 (3).

Changes in chief agent or agency or in contracts.

67. Whenever the corporation changes its chief agent or chief agency in the Province, the corporation shall file with the Registrar a power of attorney as hereinbefore mentioned, containing any such change or changes in such respect, and containing a similar declaration as to service of process and notices as hereinbefore mentioned; and every corporation shall at the time of making the summary or annual statement hereinafter provided for, declare that, in its charter, act of incorporation, deed of settlement, or instrument of association, and in its constitution or rules made thereunder, no amendment or change has been made affecting its insurance contracts under-

taken or to be undertaken ; or if such change made, specifying clearly the change, and that no change has been made in the chief agent or chief agency without in either case such amendment or change having been duly notified to the Registrar. 55 V. c. 39, s. 16 ; R. S. O. 1887, c. 167, s. 53 (3).

Service of process thereafter.

68.—(1) After the power of attorney is filed as aforesaid, any process in any action or proceeding against the corporation for liabilities incurred in the Province may be validly served on the corporation at its chief agency, and all proceedings may be had thereon to judgment and execution in the same manner and with the same force and effect as in the proceedings in a civil action in the Province ; Provided that nothing herein contained shall render invalid service in any other mode in which the corporation may be lawfully served. 55 V. c. 39, s. 17 (1) ; R. S. O. 1887, c. 167, s. 54 (1).

Substitutional service of process.

(2) If the power of attorney becomes invalid or ineffectual from any reason, or if other service cannot be effected, the court or a judge may order substitutional service of any process or proceeding to be made by such publication as is deemed requisite to be made in the premises, for at least three weeks, in at least one newspaper, and such publication shall be held to be due service upon the corporation of such process or proceeding. 55 V. c. 39, s. 17 (2).

Reserve funds held in Ontario.

(3) Where, at or after the 14th day of April, 1892, a friendly society having its head office elsewhere than in Ontario had or has in the charge, possession, custody or power of officers or agents, resident in Ontario, a reserve fund or funds for the security or assistance of members of the society, such fund or funds shall be deemed to be a fund held in trust for members in the jurisdiction of the said officers or agents, and the said officers or agents shall be deemed and shall continue to be trustees of the said fund or funds until other trustees thereof resident in Ontario are appointed by competent authority ; and such trust fund or funds or as much thereof as from time to time remains unexpended shall be invested as enacted in section 92 of this Act. 55 V. c. 39, s. 17 (3).

Recording registry ; entries on register.

69.—(1) On the Insurance Company Register, or on the Friendly Society Register, as the case may be, the Registrar shall cause to be entered the name of every corporation which from time to time he shall find legally entitled to registry, together with the date of the commencement of registry ; also the term for which, in the absence of suspension, revocation or cancellation, the registry is to endure ; which term shall begin as from the date of the said commencement and shall end not later than the 30th day of June then next ensuing, except in the case of the corporations mentioned in section 59 of this Act, and in the said excepted corporations the term of registry shall not exceed twelve months ; he shall also cause to be

entered the place where the head office and the chief agency, if any, of the corporation are situated, and if there is a chief agency, the name and address of the chief agent; also the kind of character of insurance for which the corporation is registered; also if during the term the registry has been suspended, or revived, or revoked, or cancelled, the date and authority for such suspension, revivor, revocation or cancellation. 55 V. c. 39, s. 18 (1); 58 V. c. 34, s. 5 (3).

Issue of certificates of registry.

(2) To all corporations registered as above, the Registrar shall issue under his hand and the seal of his office a certificate of registry or of renewed registry, as the case may be, setting forth that it has been made to appear to him that the corporation is entitled to registry as an insurance company or friendly society (as the case may be) under this Act, and that the corporation is accordingly registered for the term and for the purposes stated in the certificate. 55 V. c. 39, s. 18 (2).

Duration and renewal of registry in case of certain corporations.

70.—(1) In the case of those corporations mentioned in section 59 of this Act, which receive from time to time a license or other document of authority under *The Insurance Act of Canada*, the corporation shall annually after its first registration hereunder present to the Registrar the then subsisting document of authority, within thirty days after the date thereof, and upon due presentation of the same, and upon payment to the Provincial Treasurer of the fee hereinafter prescribed, may be admitted to registry hereunder, or to renewal of registry, as the case may be, and in default of registry or of renewal of registry within the said thirty days, the corporation shall be deemed to be unregistered. 55 V. c. 39, s. 19 (1); 58 V. c. 34, s. 5 (4).

Proviso.

Provided that such presentation may be dispensed with on the Registrar receiving from the proper officer of the Dominion of Canada notice that such license or document of authority has in fact issued to the corporation named in the notice and authorizes the transaction of insurance of the kind and for the term specified in the notice. 55 V. c. 39, s. 19 (1).

Suspension or cancellation of the document of authority under Insurance Act of Canada.

(2) The suspension or cancellation or non-renewal of such document of authority issued under *The Insurance Act of Canada*, or issued by any Province of Canada to an insurance corporation standing registered in Ontario, shall in the respective cases operate *ipso facto* as a suspension or cancellation of registry under this Act, but registry so suspended may be revived as provided in this Act. 55 V. c. 39, s. 19 (2).

Duration of registry in all other corporations.

71.—In the case of all corporations other than those in the section 59 mentioned, any certificate of registry issued under this Act not being an interim or an extended certificate, shall, unless sooner suspended or cancelled, remain valid until the then next issuing thirtieth day of June inclusive,

when, if the corporation has filed the summary statement required by section 91, and the annual statement prescribed in section 96, as the case may be, and also properly certified copies of all amendments to its constitution, laws, rules and regulations made since the next preceding summary or annual statement, and has otherwise complied with the law, the corporation shall be entitled to a certificate of renewed registry, and so on every succeeding thirtieth day of June thereafter. 55 V. c. 39, s. 20.

Renewal of registry.

Interim certificate.

72.—Upon proof that a corporation has by accident or unavoidable cause been prevented from fully complying with the provisions of this Act within the time herein prescribed, and upon payment to the Provincial Treasurer of the fee hereinafter enacted, the Registrar may by writing under his hand and the seal of his office, grant for a time limited therein an interim certificate of registry, or may by such writing extend for a limited time the duration of a subsisting certificate of registry; but in default in either case of renewal of registry before the expiry of the time so limited the corporation shall be deemed to be unregistered. 55 V. c. 39, s. 21.

Extension of certificate.

Similarity of name; new name.

73.—No corporation shall be registered under a name identical with that under which any other existing corporation is registered, or so nearly resembling such name as to be likely, nor shall be registered under any other name, likely in the opinion of the Registrar, to deceive the members of the public as to its identity; and no registered corporation shall be registered under a new or a different name except upon proof that such new or different name is authorized by law. 55 V. c. 39, s. 23.

PROOF OF REGISTRY AND OF OTHER MATTERS: NOTICES UNDER THE ACT.

Evidence of registry; semi-annual list to be published.

74.—(1) The Registrar shall cause to be published in the *Ontario Gazette*, in March of each year, a list of the corporations which stand registered at the date of the list; also if, in the interval between two published lists of registered corporations, a new corporation is registered, or the registry of any corporation is suspended or cancelled, or if a suspended registry is revived, he shall cause notice thereof to be published in the *Ontario Gazette*. 55 V. c. 39, s. 26 (1).

Effect of notice in *Gazette*.

(2) A list or notice published in the *Ontario Gazette* over the name of the Registrar shall, without further proof, be received in any court and before all justices of the peace and others as *prima facie* evidence of the facts set forth in such published list or notice. 55 V. c. 39, s. 26 (2)

Official publications to be evidence.

(3) All copies of returns, reports or other official publications of the Registrar purporting to be printed by the Printer

to the Crown, or the Printer to the Legislative Assembly, or to be printed by order of the Legislative Assembly, shall, without further proof, be admitted as evidence of such publication and printing and as true copies of the original documents delivered to be printed and published. 55 V. c. 39, s. 26 (3).

Registrar's seal or signature.

(4) The seal or signature of the Registrar shall be admissible in evidence without proof of its authenticity; or of the official character of the person signing. 55 V. c. 39, s. 26 (4).

Certificate as to facts.

(5) A certificate under the hand of the Registrar and the seal of his office, that on a stated day the corporation or person mentioned therein stood registered, or did not stand registered within the meaning of this Act, or that the registry of any corporation or person was originally granted, or was renewed, or was suspended, or was revived, or was revoked, or was cancelled on a stated day, shall be *prima facie* evidence in any court or elsewhere of the facts alleged in the certificate. 55 V. c. 39, s. 26 (5).

Commencement and end of certificate.

(6) Every certificate of registry granted under this Act shall specify the first day, and also the last day, of the term for which the corporation or person is registered; and the corporation or person so registered shall be deemed to be registered from the commencement of the first day to the end of the last day so specified. 55 Vic. c. 39, s. 25 (6).

Copies of extracts from office documents.

(7) Copies of or extracts from any book, record, instrument or document in the office of the Registrar certified by him to be true copies or extracts and sealed with the seal of his office, shall be held to be authentic and shall be *prima facie* evidence of the same legal effect as the original in any court or elsewhere. R. S. O. 1887, c. 167, s. 150; 55 V. c. 39, s. 26 (7).

Interpretation

(8) For purposes of this section Registrar shall include the Deputy or Assistant Registrar. 55 V. c. 39, s. 26 (8).

Certificates of Assistant Provincial Registrar.

(9) In the case of any document, by this Act or by any of the Acts mentioned in schedule hereto, required to be filed in the office of the Provincial Registrar, a certificate of filing shall be *prima facie* evidence of the filing if signed or purporting to be signed by the Deputy or Assistant Provincial Registrar, or by the acting Deputy or assistant. 58 V. c. 34, s. 5 (8).

Books, etc., of corporation to be evidence.

10. The books, accounts and documents of the corporation, and entries in the books of its officers or receiver or liquidator, are *prima facie* evidence of the matters to which the entries relate as against the corporation, or any of its branches, or lodges, or as between any of the branches, lodges or their respective members, or as between contributories or alleged contributories. 56 V. c. 34, s. 5 (8).

Notices under the Act.

75. Subject to Statutory condition 23 of section 168, delivery of any written notice to any insurance corporation for any purpose of this Act, where the mode thereof

is not otherwise expressly provided, may be by letter delivered at the chief office of the corporation in Ontario, or by registered post letter addressed to the corporation, its manager, or agent at such chief office, or by such written notice given in any other manner to an authorized agent of the corporation. 55 V. c. 39, s. 43.

SUSPENSION OR CANCELLATION OF REGISTRY: APPEALS.

Certain events to cancel registry.

76.—(1) The happening of any of the following events shall *ipso facto*, and, without notice from the Registrar, cancel the registry of the corporation concerned.

(a) The repeal or the expiry without renewal of its charter, instrument of association, or deed of settlement, or of its Act or Acts of incorporation; or

(b) The revocation of its corporate powers; or

(c) The cancellation, or the expiry without renewal of license or other document of authority by which the corporation was authorized to exercise it corporate powers for the transaction of insurance; or

(d) The passing of a resolution by the corporation for its winding up; or

(e) The making of an order by any Court for the winding up of the corporation.

And upon proof that any of the said events has happened the Registrar, after notice to the corporation in cases where any dispute is likely to arise, shall cause the proper entry to to be made upon the register. 55 V. c. 39, s. 49 (1).

Certain events to suspend registry.

(2) The happening of any of the following events shall *ipso facto*, and without notice from the Registrar, suspend the registry of the corporations concerned:—

(a) The suspension of any of the acts, instruments or documents mentioned in the first and third subdivisions of the next preceding subsection:

Or *(b)* the suspension of the corporate powers of the corporation;

And upon proof that any of the said events has happened, the Registrar, after notice to the corporation in cases where any dispute is likely to arise, shall cause the proper entry to be made upon the register. 55 V. c. 39, s. 49 (2).

Where event disputed.

(3) Where the happening of any of the events in the two next preceding sub-sections mentioned is disputed by written notice delivered to the Registrar at his office, he shall decide both as to the facts and as to the law, and render his decision in writing, subject however to appeal as in section 78 enacted. 55 V. c. 39, s. 49 (3).

. Provided nevertheless that notice of the happening of such event, if published by competent authority in the official *Gazette* of the Province, Dominion, country or State by which the corporation was incorporated, licensed or empowered to transact insurance, or in the *Ontario Gazette*, or an official notice otherwise given by the Province, territory, Dominion, country or State to the Registrar shall be sufficient authority to the Registrar for the entries on the register hereinbefore mentioned. 55 V. c. 39, s. 49 (3). Proviso.

(4) When any corporation incorporated by or by virtue of a statute of Ontario ceases to be registered the Registrar shall give a notice of the fact to the Master. 55 V. c. 39, s. 49 (4). Notice to be filed on cesser of registry.

(5) In this section and subsequent sections "Master" shall mean the Master in Ordinary in the case of a corporation having its head office at Toronto or in the county of York; and in the case of a corporation having its head office in any other county, shall mean the Local Master, or the officer acting as Local Master in such county. 55 V. c. 39, s. 49 (5). Interpretation "Master."

77.—(1) Where the Registrar decides in any disputed case that a corporation is or is not legally entitled to registry, or to renewal of registry, or where he suspends, revives or cancels the registry of a corporation, the Registrar, except as otherwise herein provided, shall render his decision in writing, and shall cause a copy of his decision certified under the seal of his office to be delivered by registered post or otherwise to the corporation at its head office or chief agency in Ontario. 55 V. c. 39, s. 50 (1). Decision of the Registrar to be in writing, and to be delivered to the corporation.

(2) A certified copy of any such decision of the Registrar may be had on application at his office, and upon payment to the Provincial Treasurer of the fee hereinafter prescribed. 55 V. c. 39, s. 50 (3). Certified copies of decision.

(3) The affidavits and depositions received or taken by the Registrar in any disputed case shall be filed in his office. 55 V. c. 39, s. 50 (3). Affidavits and depositions to be filed.

(4) The evidence and proceedings in any matter before the Registrar may be reported by a stenographic writer who has taken an oath before the Registrar to faithfully report the same. 55 V. c. 39, s. 50 (4). Stenographic report of evidence.

78.—(1) Upon the decision of the Registrar that the corporation is or is not entitled to registry, or upon any suspension, revivor or cancellation of registry by him, an appeal may be had to a Divisional Court of the High Court, the appellant having first given security for costs, in an amount to be determined by the Court or a Judge thereof, or by General Rules, as hereinafter provided for. Two clear days' previous notice of the application to fix the amount of such security shall be given to the Registrar at his office. 55 V. c. 39, s. 51 (1). Appeals from decision of Registrar.

Appeals from Registrar.

(2) No appeal shall be allowed unless notice thereof in writing is given to the Registrar within one month after the judgment complained of; nor unless, within two months after the judgment complained of, the appellant gives proper security as aforesaid that he will effectually prosecute his appeal and pay such costs and damages as may be awarded in case the judgment appealed from is in whole or in part affirmed. At least ten days' notice of any subsequent proceeding on the appeal shall be given in writing to the Registrar at his office. 56 V. c. 32, s. 10 (51); 58 V. c. 34, s. 6 (9).

Entries on register.

(3) Upon the production of final judgment, on appeal, if any, admitting the corporation to registry, or disallowing registry granted, or reversing the suspension, revivor or cancellation of registry, the Registrar shall cause the proper entry to be made on the register together with a minute of the judgment authorizing such entry, and the Registrar shall thereupon grant a certificate of registry or cancel the registry granted according to the tenor of such judgment. 55 V. c. 39, s. 51 (3).

Rules as to appeals.

(4) The Supreme Court of Judicature may make rules or orders as to the form of appeals under this section and the trying thereof and otherwise relating thereto. 55 V. c. 39, s. 51 (4).

Suspension or cancellation of registry for fraud, insolvency, etc.

79.—(1) Upon proof that any registry or certificate of registry has been obtained by fraud or mistake, or that a corporation exists for an illegal purpose, is insolvent or is on the verge of insolvency, or has, in terms of sections 80 and 81, made default of payment, or has wilfully, and after notice from the Registrar, contravened any of the provisions of this Act, or has ceased to exist, the registry of the corporation may be suspended or cancelled by the Registrar; but such suspension or cancellation shall be appealable as hereinafter provided. 55 V. c. 39, s. 25 (1); 56 V. c. 32, s. 10 (8).

Notice of suspension or cancellation of registry to corporation.

(2) On the suspension or cancellation of the registry of any corporation, except as herein otherwise enacted, the Registrar shall, by registered post or otherwise, cause notice thereof in writing under his hand to be delivered to the head office or chief agency of the corporation in Ontario; and from the date of such delivery the corporation shall be deemed to be unregistered, but, in the case of suspension of registry only whilst such suspension lasts; and from and after such delivery the corporation shall withdraw every offer to undertake contracts, and shall absolutely cease to undertake contracts, but without prejudice to any liability actually incurred by such corporation which may be enforced against the same as if such suspension or cancellation had not taken place. 55 V. c. 39, s. 25 (2).

Effect of notice delive ed.

80. Every lawful claim against an insurance corporation under any contract within the meaning of section 2 shall become legally payable on the expiration of sixty days after reasonably sufficient proof has been furnished to the corporation of the happening of the event on which such claim was by said contract to accrue, and, where property was insured, after like proof of such additional matters as the law requires; and any rules, conditions, or stipulations to the contrary shall as against the assured be void; but the insurance corporation may in its discretion pay the claim at any time before the expiration of the sixty days. 55 V. c. 39, s. 42; R.S.O. 1887, c. 167, s. 114. When claims shall be legally payable.

81—(1) Any insurance corporation shall be liable to have its registry suspended by the Registrar upon the failure of the corporation to pay an undisputed claim, or an insurance contract for the space of sixty days after being legally payable, or if disputed, after final judgment and tender of a legal valid discharge, and (in either case) after notice supported by affidavit of the corporation's default delivered to the Registrar. 55 V. c. 39, s. 44 (1); 58 V. c. 34, s. 6 (6). Registry suspended for insolvency.

(2) Where the registry of a corporation has been suspended under the preceding sub-section, but the corporation within sixty days after the notice therein provided has fully paid all undisputed claims and final judgments upon or against the corporation, the Registrar, upon proof of the facts, may revive the registry of the corporation and issue his certificate of such revivor. 55 V. c. 39, s. 44 (2); 58 V. c. 34, s. 6 (7). When corporation resumes payment.

(3) If within the sixty days mentioned in the next preceding sub-section, the corporation has not fully paid all undisputed claims and final judgments, the Registrar, upon proof of the fact, shall cancel the registry of the corporation. 55 V. c. 39, s. 44 (3). Continued default for further sixty days.

(4) If the enactment under or by virtue of which the corporation was incorporated, or by which the contracts of the corporation are regulated, prescribes payment of undisputed claims and final judgments within less than sixty days, this section shall not be deemed to extend the time so prescribed for payment, nor to extend the right of the corporation to revivor of registry hereunder beyond the time limited by the said enactment. 55 V. c. 39, s. 44 (4). Where time of default limited by other enactment.

82. The Registrar, or any person authorized under his hand and seal, shall have at any time within reasonable business hours of every day, except Sundays and holidays, access to all such books, securities, and documents of a corporation as relate to the corporation's contracts; and any officer or person in charge, possession, custody or control of such books, securities or papers refusing or neglecting to afford such access, shall be Registrar to have access to society's books, etc.

guilty of an offence, punishable as for an offence against section 85, and, if registered, the corporation shall be liable to have its registry suspended; and, on continued refusal or neglect to afford such access, shall be liable to have its registry cancelled. 55 V. c. 39, s. 45; 58 V. c. 34, s. 6 (8).

Special audit in case of fraud, illegal acts, or default of audit.

83.—(1) If it is established to the satisfaction of the Registrar that the accounts of any corporation (including therein any body registered under this Act) of the corporation have been materially and wilfully falsified, or that for eighteen consecutive months there has been no *bona fide* audit of the books and accounts; or if there is filed in the office of the Registrar a requisition for audit bearing the signatures, addresses and occupations of at least twenty-five persons being members of the corporation or claimants or persons entitled to claim or having insurable interest under contracts of the corporation, and such requisition alleges in a sufficiently particular manner to the satisfaction of the Registrar, specific fraudulent or illegal acts, or repudiation of contracts or insolvency, the Registrar may nominate a competent accountant, who shall, under the directions of the Registrar, make a special audit of the books and accounts and report thereupon to the Registrar in writing, verified upon oath. 55 V. c 39, s. 30 (1); 58 V. c. 34, s. 5 (10).

Credentials of special auditor.

(2) For purposes of this Act a special auditor shall be sufficiently accredited, if he deliver to the Secretary or to any officer of such corporation, a written statement under the hand and seal of the Registrar, to the effect that the Registrar has nominated such auditor to audit the books and accounts. 55 V. c. 39, s. 30 (2); 58 V. c. 34, s. 5 (10).

Expense of special audit.

(3) The expense of such special audit shall be borne by such corporation, and the auditor's account therefor, when approved in writing by the Registrar, shall be conclusive and shall be payable by the corporation forthwith. 55 V. c. 30, s. 30 (3); 58 V. c. 34, s. 5 (10).

Proviso.

Provided nevertheless that where an audit is requested as in sub-section 1, the persons so requesting it shall, together with their requisition, deposit with the Registrar proper security for the costs of the audit in a sum not exceeding $200 as he shall determine; and where the facts alleged in the requisition appear to the Registrar to have been partly or wholly disproved by the audit, he may pay the costs thereof partly or wholly out of the deposit. 55 V. c. 39, s. 30 (3); 58 V. c. 34, s. 5 (10).

What audit includes.

(4) All books, securities, vouchers and documents relating to the contracts or funds of the corporation (or of the registered branch or lodge undertaking contracts) shall be deemed to be included in the audit prescribed by this section. 55 V. c. 39, s. 30 (4); 56 V. c. 32, s. 10 (9); 58 V. c. 34, s. 5 (10).

(5) When any corporation within the meaning of sub-section 1 through any trustee, officer, employe, agent or auditor having in his custody, possession or power, its funds, books or vouchers refuses to have the same duly audited as provided by section 90, and by this section, or obstructs an auditor in the performance of his duties, the Registrar upon proof of the fact may suspend or cancel the registry of such corporation ; but such suspension or cancellation shall be appealable as hereinbefore provided. 55 V. c. 39, s. 30 (6) ; 58 V. c. 34, s. 5 (10). When corporation resists or obstructs audit.

(6) Every trustee, director, officer, manager, agent, collector, auditor or employee of the corporation, or of any branch or lodge whatsoever of the corporation, who knowingly makes or publishes, or assists to make or publish, any wilfully false statement of its financial affairs, or who makes or assists to make any untrue entry in any book of record, entry or account, or who refuses or neglects to make any proper entry therein, or to exhibit the books, vouchers, securities and documents, or to allow the same to be inspected or audited either for the general purposes of the corporation or for the purposes of this Act, and extracts to be taken therefrom, shall be guilty of an offence, and upon summary conviction thereof before any Police Magistrate or Justice of the Peace having jurisdiction where the offence was committed, shall be imprisoned in the Central Prison, or in any gaol of the Province, with or without hard labour, for a period not exceeding twelve months. 55 V. 39, s. 30 (5). Untrue entries, etc.

84.—(1) If the report made by the special auditor appears to the Registrar to disclose fraudulent or illegal acts on the part of such corporation as mentioned in sub-section 1 of section 83, or a repudiation of its contracts, or insolvency, the Registrar shall notify the corporation accordingly, and furnish it with a copy of the special auditor's report, allowing two weeks for a statement to be filed with the Registrar in reply. 58 V. c. 39, s. 31 (1) ; 58 V. c. 34, s. 5 (10). Report of special auditor.

(2) Upon consideration of the special auditor's report and of the statement of such corporation, in reply, and of such further evidence, documentary or oral, as he may require, the Registrar shall render his decision in writing, and may thereby continue, or suspend, or cancel the registry of the corporation ; but such decision shall be appealable, as hereinbefore provided. 55 V. c. 30, s. 31 (2); 58 V. c. 34, s. 5 (10). Registrar's decision.

(3) The evidence may be given under oath, which oath the Registrar may administer. 55 V. c. 39, s. 31, (3) ; 58 V. c. 34, s. 5 (10). Evidence may be under oath.

UNREGISTERED CORPORATIONS DISQUALIFIED; ASSESSMENT INSURANCE; PENALTIES.

No unregistered corporation to undertake insurance.

85.—(1) After the 31st day of December, 1892, no person or persons, or body corporate or unincorporated, other than a corporation standing registered under this Act and person duly authorized by law and by such registered corporation to act in its behalf, shall undertake or effect, or offer to undertake or effect any contract of insurance. 55 V. c. 39, s. 27 (1); 58 V. c. 34, s. 5 (9).

Penalty.

(2) If any promoter, organizer, office-bearer, manager, director, officer, collector, agent, employee, or person whatsoever, other than as enacted in the next preceding subsection, undertakes or effects, or agrees or offers to undertake or effect any contract of insurance, he shall be guilty of an offence, and upon summary conviction thereof before any Police Magistrate or Justice of the Peace having jurisdiction where the offence was committed, shall be liable to a penalty not exceeding $200 and costs, and not less than $20 and costs, and in default of payment the offender shall be imprisoned with or without hard labor for a term not exceeding three months and not less than one month; and on a second or any subsequent conviction he shall be imprisoned with hard labor for a term not exceeding twelve months and not less than three months. 55 V. c. 39, s. 27 (2).

Burden of proof.

(3) In any trial or cause or proceeding under this Act the burden of proving registry shall be upon the corporation or person charged. 55 V. c. 39, s. 27 (5).

Printing of words "Assessment System."

(4) Every application, contract, or other instrument of such insurance, and every circular, advertisement or publication soliciting insurance issued or used in Ontario for purposes of assessment insurance shall bear the words "Assessment System" printed or stamped in large type at the head thereof; any contravention of this sub-section shall constitute an offence and shall be punishable as for an offence against sub-section 2 of this section. 55 V. c. 39, s. 2 (14).

Application of fine.

(5) Any one may be prosecutor or complainant under this Act; and one-half of any fine imposed by virtue of this Act shall, when received, belong to Her Majesty for the use of the Province, and the other half shall belong to the prosecutor or complainant. 55 V. c. 39, s. 27 (3).

Appeal.

Security for costs.

(6) Any person convicted under this Act who gives notice of appeal against the decision of the convicting justice shall be required before being released from custody to give to the justice satisfactory security for the amount of the penalty, costs of conviction, and appeal, and the appeal shall be to a Divisional Court of the High Court. 55 V. c. 39, s. 27 (4); 58 V. c. 34, s. 5 (9).

(7) All information or complaints for the prosecution of offences under this Act shall be laid or made in writing within one year after the commission of the offence. 55 V. c. 39, s. 27 (6). Limitation of prosecutions.

86. Every offence committed by a corporation, or by the insurance branch of a corporation against this Act shall be deemed to have been also committed by every officer of the same bound by virtue of his office or otherwise to fulfil any duty whereof such offence is a breach, or if there be no such officer, then by every member of the committee of management of the same, unless such member be proved to have been ignorant of his duty, or to have attempted to prevent the commission of such offence; and every default under this Act constituting an offence constitutes, if continued, a new offence in every week during which the default continues. 55 V. c. 39, s. 60. Offence by corporation is offence by officers thereof; continued default constitutes new offence.

BOOKS: PERIODICAL AUDIT: INVESTMENTS: FINANCIAL STATEMENTS.

(For special audit see section 83.)

87. Every registered corporation except the corporations mentioned in sub-sections 1 and 2 of section 59, shall keep such a classification of its contracts, and such register and books of account as may from time to time be directed or authorized by the Registrar; and if it appears at any time to him that such books are not kept in such business-like way as to make at any time a proper showing of the affairs and standing of the corporation, he shall thereupon nominate a competent accountant to proceed, under his directions, to audit such books and to give such instructions as will enable the officers of the corporation to keep them correctly thereafter; the expense of the accountant shall be borne by the corporation to which he is sent, and shall not exceed $5 per day and necessary travelling expenses; and the account for such audit and instructions shall, when approved under the hand of the Registrar, be payable by the corporation forthwith. 55 V. c. 39, s. 28 (1). Corporation to keep such books as may be directed by Registrar. Rectification of disordered books.

88. Where the corporation has a share or stock capital, the books required by section 87 to be kept shall include a stock register, in which a register of the transfers of stock shall be accurately kept, and it shall at all reasonable times be open to the examination of any shareholder and the Registrar. The entries in such register shall include the following particulars: the register numbers of the shares transferred; the amount of subscribed stock transferred; the amount heretofore paid up on such stock; the names and addresses of the transferor and the transferee; the date of the transfer and the date of confirmation or disallowance by the board. R. S. O. 1887, c. 167, s. 101. Transfer register.

Separate record for contracts secured by deposit.

89. In the case of insurance companies required to make deposit with the Province there shall be kept a policy register recording separately the contracts for which the said deposit is answerable under section 48. R. S. O. 1887, c. 167, s. 102.

Annual audit.

90.—(1) It shall be the duty of the officers of every registered insurance corporation to have at least once in every year a bona fide and business-like audit of its books of record and account by at least two competent auditors.

Who may be auditors.

(2) In Provincial corporations every auditor shall be a qualified accountant, not holding, nor having, for at least two years prior to his becoming auditor, held any other office or employment under the corporation ; and an auditor need not be a member of the corporation.

Proviso.

Provided that the directors or executive officers may for cause, on a two-thirds majority, suspend any auditor, such suspension to remain in force until the next general meeting of the corporation.

Provided also, that if any auditorship becomes vacant between the general meetings of the corporation the board of directors or the executive officers may fill the vacancy until the next general meeting. 55 V. c. 39, s. 29.

(3) In Provincial companies the auditors shall be annually chosen, and their remuneration determined by members in general meeting assembled.

Summary statement to be furnished to members.

91. Every Provincial corporation shall furnish to each member annually a summary statement showing as the result of such audit or audits the corporation's actual assets, liabilities, receipts and expenditures, and the state of the insurance fund or funds, and a copy of such summary statement signed and certified by the auditors shall be filed in the office of the Registrar with the statement required by section 96. 55 V. c. 39, s. 29.

Proviso.

Provided that a registered friendly society, instead of furnishing such summary statement to each member individually, may deliver to each lodge or local branch, for the information and use of the members thereof, at least ten copies of the summary statement ; of which also at least one copy shall be kept posted up in a place accessible and convenient to the members generally, there to remain posted until at least one month after the posting of the next succeeding statement ; also one copy of the said summary statement shall be kept on record and shall be made accessible to the members generally. 55 V. c. 39, s. 29 (1).

Proviso.

Provided also that if the society has an official newspaper or journal, and a copy of the same is sent to each member, publication of the said summary statement therein shall be sufficient.

92.—(1) The surplus insurance funds of a Provincial corporation, or branch or lodge thereof shall in the name of the corporation, branch or lodge be invested in securities which are a first charge on land held in fee simple or shall be invested in the public securities of Canada or of any of the Provinces of Canada, or (such securities being in other respects reasonable and proper) in terminating debentures of any municipal corporation, or in the terminating debentures of any society or company incorporated under the Revised Statute respecting Building Societies; or in terminating debentures of any society, or company in which under the law of the Province trustees may invest trust funds; or shall remain deposited (whether with or without interest) in the name of the corporation in a post office savings bank or in any chartered bank of Canada, or in any building society or loan company in Ontario by any Act of Ontario, or of the Dominion of Canada duly authorized to receive deposits. 55 V. c. 39, s. 29 (2). R. S. O. 1887, c. 167, s. 93. Permissible investments.

Provided that where the constitution or rules of the corporation, branch or lodge prescribe the securities in which the funds of the corporation, branch or lodge shall be invested nothing herein contained shall be deemed to enlarge the power of investment by the said constitution or rules conferred. Proviso.

(2) Subject to the by-laws or constitution any corporation standing registered under this Act or any branch or lodge thereof, may hold absolutely to its own use and benefit such real estate as is necessary for the accommodation of the corporation, branch or lodge in relation to the transaction of its business, and such real estate as being mortgaged or hypothecated to it, is acquired by it for the protection of its investments, and may from time to time, sell, mortgage, lease or otherwise dispose of the same; but the corporation, branch or lodge shall sell any real estate acquired in satisfaction of any debt within seven years after it has been so acquired, otherwise it shall be forfeited to Her Majesty for the uses of the Province. R. S. O. 1887, c. 167, s. 95. Power to hold real estate.

(3) No insurance corporation, or branch or lodge thereof, shall contract with any of its auditors, trustees, directors, or executive officers for any loan or credit, or borrowing of money, and every such attempted loan or borrowing is hereby absolutely prohibited. 55 V. c. 39, s. 29 (3) as added by 58 V. c. 34, s. 5 (10). R. S. O. 1887, c. 167, s. 96. Loans to and from directors, etc., forbidden.

(4) Where, in any insurance corporation or branch or lodge thereof, (if organized with branches or lodges), the trustees, directors or managing board (by whatever name known) or the executive or managing committee make such an investment of any of the corporation's money as is not authorized by law, or where the board or committee lend any of the corporation's money, or transfer the beneficial ownership in any of the corporation's property or assets to any member of the Action to recover money illegally invested or loaned.

board or committee, or to any auditor, trustee, director, or executive officer of the corporation, all the members of the board or committee (as the case may be) who voted in favor of or assented to the said investment or loan or transfer shall as for a breach of trust be personally liable jointly and severally to repay or restore (as may be directed) the money, property or assets so invested or loaned or transferred, together with interest, and also with rests, if the Court shall so determine. Actions may at any time be brought by any member of the corporation in the name of himself and his fellow-members generally without designating his fellow-members individually; and all trustees, directors or members of the board or committee may be made defendants, and the proof shall be on any such defendant that he did not vote for or assent to the said investment, loan or transfer. If, in the opinion of the Court, the plaintiff has proved the investment or loan or transfer illegal, he shall be entitled to his costs out of the funds of the corporation; and the corporation, or the receiver or estate thereof, shall have the right to recover over against the defendants personally or from such of them as the Court may determine. 55 V. c. 39, s. 29 (4); 58 V. c. 34, s. 5 (10).

Persons in service of corporation to furnish security.

93. Every officer or other person appointed at any office in anywise concerning the receipt, safe-keeping or proper application of money shall furnish security to the satisfaction of the directors for the just and faithful execution of the duties of his office according to the rules of the corporation, and any person entrusted with the performance of any other service may be required by the directors to furnish similar security, and the securities so furnished and then subsisting shall be produced to the auditors as part of the annual audit herein-before prescribed. In the case of Provincial insurance companies the security given by the treasurer or other officer having charge of the money of the company shall in no case be less than $2,000. R. S. O. 1887, c. 167, s. 97; cf. c. 169, s. 20

Property, investments, evidence and books of account and record to be the property of the corporation.

94. All real and personal estate, property and effects, and all titles, securities, instruments and evidences, and all rights and claims of or belonging to the corporation, branch or lodge shall be vested in the corporation branch or lodge. The books used by any auditor, officer, collector or agent for verifying or for recording moneys received for the corporation, branch or lodge shall be the property of the corporation, branch or lodge; nor shall the foregoing persons or any solicitor, counsel nor or other person whatsoever have in these or in any other of the books of account or record of the corporation any ownership or proprietary right, or any right of lien whatsoever; and any person who in contravention of this section, withdraws, withholds or detains any of the said books from the possession or control of the directors, or executive officers, or from the receiver or liquidator of the corporation, branch or lodge shall be guilty of an offence and

Penalty.

the procedure and penalty shall be as in the case of an offence against section 85 of this Act. 55 V. c. 39, s. 30 (4); 56 V. c. 33, s. 10 (9); 58 V. c. 34, s. 5 (10); Imp 38-9 c. 60, s. 16.

After decease or bankruptcy of officer, books, etc., to be delivered to corporation branch or lodge.

95. If a person appointed or elected to an office and being entrusted with and having in his possession books, moneys, securities, documents or other property or effects belonging to the corporation branch or lodge, or relating thereto, dies, resigns, vacates, or becomes incapacitated by mental or physical debility, or becomes bankrupt or insolvent, his legal representative or other person or persons having them in possession or custody, shall within fifteen days after the decease or the resignation, incapacity or the bankruptcy or insolvency, deliver all such property and effects belonging to the corporation branch or lodge to such person or persons as the directors or executive officers appoint. Cf. R. S. O. 1887, c. 169, s. 40

Annual statement to the Registrar.

96.—(1) It shall be the duty of the presiding officer, the secretary and the treasurer of every registered insurance corporation except those mentioned in subsections 1 and 2 of section 59 to prepare and file annually with the Registrar as prescribed by sub-sections (3) and (4) of this section, according to a printed form to be supplied on application, a sworn statement of the financial condition and affairs of the corporation for the purposes of this Act; and any corporation refusing or neglecting to file the statement by this section required, or to make prompt and explicit answer to any enquiries at any time put by the Registrar touching the corporation's contracts or finances shall be liable to suspension or cancellation of registry. 55 V. c. 39, s. 47 (1); 56 V. c. 32, s. 10 (14).

Refusal of information.

Proviso.

Provided a friendly society may include in its annual statement to the Registrar a valuation, made by a competent actuary and verified by his oath, of any or all of the contingent liabilities of the society; and the Registrar may in his annual report publish an abstract of such valuation as part of the society's statement. 55 V. c. 39, s. 22. (1).

Who may administer oaths under the Act.

(2) The statement required by the preceding sub-section may be sworn to before the Registrar or Assistant Registrar, or any Justice of the Peace, Notary Public or Commissioner of the High Court for taking affidavits, and every such person is hereby authorized to administer any oath required under this Act, for purposes of any document required or permitted to be filed by this Act. 55 V. c. 39, s. 47 (2).

Statements of Provincial licensees, when to be delivered.

(3) In the case of Provincial licensees registered on the Insurance Company Register the statement mentioned in sub-section 1 shall be prepared annually on the first day of January, or within one month thereafter, and shall be filed with the Registrar on or before the first day of February then next ensuing.

Statements of Friendly Societies, when to be delivered.

(4) In the case of corporations registered on the Friendly Society Register, the statement mentioned in subsection 1 shall be prepared annually on the first day of January or within one month thereafter, and shall be filed with the Registrar on or before the first day of March then next ensuing.

Copy of summary statement to be filed.

(5) Together with the statement mentioned in subsection 1, the corporation shall file with the Registrar a certified copy of the summary statement required by section 91. 55 V. c. 39, s. 47 (3).

Registrar's annual report.

97.—(1) From the statements filed with him as aforesaid, the Registrar shall each year cause to be prepared, printed and distributed a report for the official year ending 31st December, and such report shall include a list of registered insurance corporations brought up to its actual date of publication.

Official certificate or publication no warranty of solvency.

(2) The Registrar shall not in any initial or renewal certificate of registry, or other publication or otherwise vouch for the financial basis, or for the actual or actuarial solvency or standing of any insurance corporation ; nor shall the printing of a corporation's annual statement in the Registrar's report operate or be anywise construed as a warranty of such basis, or of such solvency or standing. 55 V. c. 39, s. 22 (1).

POWERS OF DIRECTORS—GENERAL PROVISIONS.

(All Provincial Insurance Companies.)

Application of sections 99-105.

98. Sections 99 to 105 inclusive shall apply to all Provincial corporations registered on the Insurance Company Register. R. S. O. 1887, c. 167, s. 88.

Appointment of Manager and other officers.

99. The board of directors may from time to time appoint a manager, secretary, treasurer, and such other officers, agents or assistants as to them seem necessary ; prescribe their duties, fix their compensations or allowances ; take such security from them as is required by this Act for the faithful performance of their respective duties, and remove them and appoint others instead, the board may also, subject to the provisions of this Act, adopt a table of rates, premiums or premium notes, as the case may be, and vary such table from time to time, and determine the amount of the contract to be undertaken; they may hold their meetings monthly, or oftener if necessary, for transacting the business of the corporation, and they shall keep a record of their proceedings in a book to be known as the Minute Book of the corporation, wherein shall also be entered the transactions of all general meetings of the corporation. R. S. O. 1887, c. 167, s. 89.

Board may adopt a tariff of rates.

Meetings of the board.

The board may pass by-laws,

100.—(1) The board may from time to time make and prescribe such by-laws as to them appear needful and proper,

respecting the funds and property of the company, the duty of the officers, agents and assistants thereof, the effectual carrying out of the objects contemplated by this Act, the holding of the annual meeting, and all such other matters as appertain to the business of the company, and are not contrary to law, and may from time to time alter and amend the said by-laws, except in cases with regard to which it is provided that any such by-laws shall not be repealed, or where the repeal would affect the rights of others than the members of the company, in any of which cases such by-law shall not be repealed. R. S. O. 1887, c. 167, s. 90 (1).

When by-laws are not repealable.

(2) Every by-law of the board shall be duly entered in the minute book, and unless and until amended or annulled by the board, or by a general meeting of the members, shall be deemed to be a by-law of the company. Cf. R. S. O. 1887, c. 167, s. 90 (2).

By-laws of board to bind company.

(3) There shall be filed with the Insurance Registrar copies of all by-laws that may from time to time be passed by the company or the board. R. S. O. 1887, c. 167, s. 90 (3).

101. The board shall superintend and have the management of the funds and property of the company, and of all matters relating thereto, and not otherwise provided for. R. S. O. 1887, c. 167, s. 91.

The board to manage the property, etc., of the company.

102. The board may make arrangements with any other company registered to transact business in the Province for the re-insurance of risks, on such conditions with respect to the payment of premiums thereon as may be agreed between them. R. S. O. 1887, c. 167, s. 92.

Re-insurance of risks.

103.—(1) The board may issue debentures or promissory notes in favor of any person, firm, building society, banking or other company, for the loan of money, and may borrow money therefrom on such debentures or promissory notes for any term not exceeding twelve months, and on such conditions as they think proper, and may renew the same from time to time for any such term, the whole of the assets, including premium notes of the company, being held liable to pay the same at maturity, but no such debenture or promissory note shall be for a less sum than $100. R. S. O. 1887, c. 167, s. 94 (1).

Directors may issue debentures and promissory notes for loans.

Assets of the company to be liable for the same.

(2) All the debentures and promissory notes at any one time outstanding shall not exceed one-fourth of the amount remaining unpaid upon the same premium notes. R. S. O. 1887, c. 167, s. 94 (2).

Amount of debentures, etc., limited.

104. The treasurer of the company or other officer having charge of the money of the company shall give security to the satisfaction of the board of directors in a sum of not less than $2,000 for the faithful discharge of his duties. R. S. O. 1887, c. 167, s. 97.

Treasurer of company to give security.

Remuneration of directors.

105. At any annual meeting of the members or shareholders of a company, or at any special general meeting thereof, if such purpose was clearly expressed in the notice of the special general meeting, it shall be lawful to enact by-laws or pass resolutions for the remuneration of the directors of the company, and copies of such by-laws or resolutions shall, within one week after their passing, be filed with the Insurance Registrar. 46 V. c. 15, s. 2; R. S. O. 1887, c. 167, s. 98.

MUTUAL AND CASH-MUTUAL FIRE INSURANCE COMPANIES: THEIR INTERNAL MANAGEMENT.

Application of secs. 107-141.

106. Sections 107 to 141 inclusive, shall apply only to mutual and cash-mutual fire insurance companies. R. S. O. 1887, c. 167, s. 64.

1. Admission and withdrawal of members.

Power to insure.

Members.

107. The company may insure on the premium note plan any property within the scope of the company's license, and the maker of the premium note shall as from the date of the acceptance of the risk by the company be a member of the company, and shall be entitled to the like rights, and be subject to the like liabilities as other members of the company. Cf. R. S. O. 1887, c. 167, s. 65.

Liability on premium notes.

108. In a cash-mutual company the premium note shall, subject to section 111, be liable for claims arising against the company generally. R. S. O. 1887, c. 167, s. 66.

Liability of members.

109. No member of the company shall be liable in respect of any loss or other claim or demand against the company, otherwise than upon and to the extent of the amount unpaid upon his premium note or undertaking. R. S. O. 1887, c. 167, s. 67.

Members withdrawing.

110. Any member of the company may, with the consent of the directors, withdraw therefrom upon such terms as the directors may lawfully require. R. S. O. 1887, c. 167, s. 68.

Cancellation of policies.

111. The party insured shall, if insured against fire on the premium note plan, be liable to pay his proportion of the losses, expenses and reserve of the company to the time of cancelling the policy, and on payment of his proportion of all assessments then payable and to become payable in respect of losses and expenses, and reserve up to such period, shall be entitled to a return of his premium note or undertaking. R. S. O. 1887, c. 167, s. 113, s. 124.

2. General Meetings.—(Mutual and Cash Mutual Fire Insurance Companies.)

112. A meeting of the members for the election of directors shall be held in every year, within two months after the thirty-first day of December in each year, at such time and place as may be prescribed by the by-laws of the company. R. S. O. 1887, c. 167, s. 69. Annual meeting for election of directors.

113. At annual meetings prior to the election of directors the statement mentioned in section 91 for the year ending on the previous thirty-first day of December, shall be presented and read. R. S. O. 1887, c. 167, s. 70. Annual report and statement.

114. Notice of any annual or special meeting of the members of the company shall be published in one or more newspapers for at least two weeks previous to the day of the meeting, and the board of directors may convene at any time a general meeting of the company upon any urgent occasion, giving notice thereof as herein provided. R. S. O. 1887, c. 167, s. 71. Notice of annual or special meetings.

115.—(1) Each member of the company shall be entitled at all meetings of the company, to the number of votes proportioned to the amount of insurance by him held, according to the following scale, that is to say, for any sum under $1,500, one vote; from $1,500 to $3,000, two votes; from $3,000 to $6,000, three votes; and one vote for every additional $3,000; but no member shall be entitled to vote while in arrear for any assessment or instalment or fixed payment due by him to the company. R. S. O. 1887, c. 167, s. 72. Members to have votes proportionate to the amount of their insurance.

(2) Where a policy on the premium note plan is made to two or more persons, the person whose name stands first on the register of policy-holders, and no other, shall be entitled to vote. 55 V. c. 39, s. 63 (1) part.

116. No applicant for insurance shall be competent to vote or otherwise take part in the company's proceedings until his application has been accepted by the board of directors. R. S. O. 1887, c. 167, s. 73. Right of applicants to vote.

3. Directors, Qualification, Election, etc. — (Mutual and Cash-Mutual Fire Insurance Companies).

117. The directors shall be members of the company and insured therein, for the time they hold office. to the amount of $800 at least, and, where the company has a share capital, two-thirds of the directors shall have the further qualification mentioned in section 26 of this Act. R. S. O. 1887, c. 167, s. 74, Qualification of directors.

Number of directors to be determined by resolution.

118.—(1) The board of directors shall consist of six, nine, twelve or fifteen directors, as shall be determined by resolution passed at the meeting held under section 13, or at an annual meeting of the company, or at a special general meeting called for the purpose of such determination and election. R. S. O. 1887. c. 167, s. 75 (1).

(2) The number of directors constituting such board may from time to time be increased or decreased, if so decided at a special general meeting of the company called for the purpose, or at an annual meeting, if notice in writing of the intention to move a resolution for that purpose at such annual meeting is given to the secretary of the company at least one month before the holding of the meeting; but the increased or decreased number of directors shall in any such case be six, nine, twelve or fifteen as aforesaid. R. S. O. 1887, c. 167, s. 75 (2).

Copy of resolution and list of directors to be filed.

119. A copy of the resolution specified in the last preceding section, together with a list of the directors elected thereunder, both documents being duly certified under the hands of the chairman and secretary of the annual meeting or special general meeting aforesaid, shall be filed in the office of the Insurance Registrar. R. S. O. 1887, c. 167, s. 76.

Retirement of directors in rotation.

120. Of the directors elected, as hereinbefore provided one-third shall retire annually in rotation, and at the first meeting of the directors, or as soon thereafter as possible, it shall be determined by lot which of them shall hold office for one, two or three years respectively, and the determination shall be entered of record as part of the minutes of the said first meeting. R. S. O. 1887, c. 167, s. 77.

Annual election to fill vacancies.

121. At every annual meeting of the company thereafter, one-third of the total number of directors shall be elected for a period of three years, to fill the places of the retiring members, who shall be eligible for re-election. R. S. O. 1887, c. 167, s. 78.

Manager may be a director. His salary.

122. The manager of the company may be a director of the company, and may be paid an annual salary, under a by-law passed as enacted in section 105. R. S. O. 1887, c. 167, s. 79.

Certain persons not eligible to be elected directors.

123. No agent, or paid officer, or the banker of the company, or person in the employment of the company, other than the manager, shall be eligible to be elected as a director, or shall be allowed to interfere in the election of directors for the company. Provided nothing herein contained shall prevent a director from receiving applications for insurance, or from taking to his own use the customary application, survey, or policy fee, but the said fee shall not exceed $1.50 for any one application or policy. R. S. O. 1887, c. 167, s. 80; 56 V. c. 32, s. 9 (4).

124.—(1) The election of directors shall be held and made by such members of the company as attend for that purpose in their proper persons. R. S. O. 1887, c. 167, s. 81. Election of directors.

(2) The election of directors shall be by ballot. R. S. O. 1887, c. 167, s. 82. Mode of election.

(3) If at any such election two or more members have an equal number of votes, in such manner that a less number of persons than the whole number to be elected appear to have been chosen directors by a majority of votes, then the said members of the company shall proceed to elect by ballot, until it is determined which of the persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of directors to be elected, and the directors shall at their first meeting after any such election, proceed to elect by ballot, among themselves, a president and vice-president, and at such election the secretary shall preside. R. S. O. 1887, c. 167, s. 83. Case of a tie at an election. Election of a president and vice-president.

(4) In case an election of directors is not made on the day on which it ought to have been made, the company shall not for that cause be dissolved, but the election may be held on a subsequent day, at a meeting to be called by the directors, or as otherwise provided by the by-laws of the company, and in such case the directors shall continue to hold office until their successors are elected. R. S. O. 1887, c. 167, s. 85. Provision in case of failure to elect directors on proper day.

125. If a vacancy happens among the directors during the term for which they have been elected, by death, resignation, ceasing to have the necessary qualification under section 117 of this Act, insolvency, or by being absent, without previous leave of the board, from the board for three regular meetings in succession (which shall, *ipso facto*, create such vacancy), the vacancy, in the case of a board limited to six directors, shall be filled up, and in the case of a board limited to a number of directors exceeding six, may be filled up, until the next annual meeting, by any person duly qualified, to be nominated by a majority of the remaining directors, and as soon as may be after the vacancy occurs, and at the next annual meeting the vacancy shall be filled for the portion of the term still unexpired. R. S. O. 1887, c. 167, s. 84. Vacancies in office of director, how filled up.

126.—(1) Three directors shall constitute a quorum for the transaction of business, and in the case of an equality of votes at any meeting of the board, the question shall pass in the negative. R. S. O. 1887, c. 167, s. 86. Quorum of directors.

(2) A director disagreeing with the majority of the board at a meeting, may have his dissent recorded, with his reasons therefor. R. S. O. 1887, c. 167, s 87. Directors disagreeing may record their dissent.

PREMIUM NOTES AND ASSESSMENTS. (MUTUAL AND CASH MUTUAL FIRE INSURANCE COMPANIES.)

Company may accept premium notes.

127.—(1) The company may accept the premium note or the undertaking of the insured, for insurance, and may undertake contracts in consideration thereof, said notes or undertakings to be assessed for the losses, expenses and reserve of the company in the manner hereinafter provided. R. S. O. 1887, c. 167, s. 122.

Form of premium notes.

(2) Where the premium note or undertaking is made upon a sheet or page which contains other matter, the premium note or undertaking shall be so entitled in conspicuous type, and shall be separated from such other matter by a blank space of at least an inch wide carried across the sheet or page, and if such other matter requires, or is intended to receive the assent of the maker of the premium note or undertaking, such assent shall be evidenced by a signature wholly distinct from the signature to the premium note or undertaking, and any violation of this section shall render the premium note or undertaking absolutely null and void; but the notice required by section 138 of this Act to be embodied in or endorsed upon the premium note shall not be deemed to be "other matter" within the meaning of this sub-section. 53. V. c. 44, s. 1, 56 V. c. 32, s. 9. (2).

Minimum rates.

128. The rate to be charged or taken by way of premium note for insuring first-class isolated non-hazardous property shall not be less than one dollar per one hundred dollars per annum, and the minimum rate of insurance upon other property shall be increased relatively with the increased risk, according to the nature of such property: provided that premium notes of not less that $1 per $100 per annum may be charged or take when and so long as the gross amount at risk exceeds $2,000,000, and the total assets of the company do not fall below two per centum of the gross amount at risk, or so long as the company keeps on deposit with the Provincial Treasurer the full amount required of new companies licensed after the commencement of this Act. R. S. O. 1887, c. 167, s. 109.

Part payment may be demanded at the time of application for insurance.

129.—(1) The directors may demand in cash a part or first payment of the premium, or premium note or undertaking at the time that application for insurance is made, and such first payment shall be credited upon said premium note or undertaking or against future assessments, but not more than sixty per centum of any premium or premium note or undertaking shall be paid in cash at the time of such application or of effecting the insurance. R. S. O. 1887, c. 167, s. 123; 56 V. c. 32, s. 9 (3).

First payment on premium note may be made in

(2) Instead of requiring the whole of the first payment to be made in cash at the time of insuring, the directors may

make the said sum payable in annual instalments, the first of which shall be payable on the day of insuring, and the remaining instalments shall be respectively payable on the first day of each subsequent year of the term of insurance. The said annual instalments may be known and described as "the first (or second, *or as the case may be*) fixed payment." annual instalments.

Provided that non-payment of any of the fixed payments subsequent to the first shall not forfeit the insurance unless thirty days' notice of the fixed payment due, or to become due, has been mailed to the person by whom the fixed payment is payable, directed to his post office address as given in his original application, or otherwise in writing to the company. 53 Vic. c. 44, s. 2. Proviso.

130. All premium notes or undertakings belonging to the company shall be assessed under the direction of the board of directors, at such intervals from their respective dates, for such sums as the directors determine, and for such further sums as they think necessary and as are authorized by this Act for losses, expenses, and reserve, during the currency of the policies for which said notes or undertakings were given, and in respect of which they are liable to assessment; and every member of the company, or person who has given a premium note or undertaking shall pay the sums from time to time payable by him to the company during the continuance of his policy in accordance with the assessment, and the assessment shall become payable in thirty days after notice thereof has been mailed to the member, or person who has given the premium note or undertaking, directed to his post office address, as given in his original application, or otherwise in writing to the company. R. S. O. 1887, c. 167, s. 124. Assessment of premium note. Notice be to given of the assessment.

131. If the assessment on the premium note or undertaking upon a policy is not paid within thirty days after notice mailed as in section 130 enacted, the contract of insurance, for which the assessment has been made shall be null and void as respects all claim for losses occurring during the time of non-payment; but the contract shall be revived when the assessment has been paid, unless the secretary gives notice to the contrary to the assessed party in the manner in this Act provided, but nothing herein contained shall relieve the assured from his liability to pay the assessment or any subsequent assessments, nor shall the assured party be entitled to recover the amount of loss or damage which happens to property insured under the contract while the assessment remains due and unpaid, unless the board of directors in their discretion decide otherwise. R. S. O. 1887, c. 167, s. 125; 53 V. c. 44, s. 3. Policy to be void, if any assessment or note is not paid within thiry days; but shall be revived by subsequent payment.

132. A notice of assessment upon any premium note or undertaking mailed as aforesaid shall be deemed sufficient if it embodies the register number of the contract, the period over Requisites of notice of assessment.

which the assessment extends, the amount of the assessment' the time when and the place where payable. R. S. O. 1887' c. 167, s. 126.

Assessment, how proportioned.

133 Subject to the provisions of section 128, the assessment upon premium notes or undertakings shall always be in proportion to the amount of the notes or undertakings. R. S. O. 1887, c. 167, s. 127; 52 V. c. 31, s. 2.

"Provided that where any company alters its premium note rate, but still holds in respect of subsisting contracts premium notes of the prior rate, it shall be lawful for the company, as between the respective premium notes so differing in rate, to make and levy such differential assessments as will in risks of the same amount, and of the same class of hazard, equalize the cost of insurance to the makers of the respective premium notes." 52 V. c. 31, s. 1.

Company may sue for assessments on premium notes.

134. If, for thirty days after notice of assessment mailed as aforesaid, a member or other person who has given a premium note or undertaking refuses or neglects to pay the assessment, the company may sue for and recover the same with costs of suit, and such proceeding shall not be a waiver of any forfeiture incurred by such non-payment. R. S. O. 1887, c. 167, s. 128.

Certificate of the secretary to be *prima facie* evidence of amount due to the company.

135. Where an assessment is made on any premium note or undertaking given to the company for a risk taken by the company, or as a consideration for any policy of insurance issued, or to be issued by the company, and an action is brought to recover the assessment, the certificate of the secretary of the company, specifying the assessment and the amount due to the company on the note or undertaking by means thereof, shall be taken and received as *prima facie* evidence thereof in any Court in this Province. R. S. O. 1887, c. 167, s. 129.

Reserve fund.

136.— 1) The company may form a reserve fund, to consist of all moneys which remain on hand at the end of each year, after payment of the ordinary expenses and losses of the company, and for that purpose the board of directors may levy an annual assessment not exceeding ten per centum on the premium notes or undertakings held by the company, and the reserve fund may from time to time be applied by the directors to pay off such liabilities of the company as may not be provided for out of the ordinary receipts for the same or any succeeding year. R. S. O. 1887, c. 167, s. 130 (1).

Annual assessment.

How applied.

How invested.

(2) The reserve fund shall be invested as provided by section 92. Cf. R. S. O. 1887, c. 167, s. 130 (2); 55 V. c. 39, s. 63 (1).

Directors may retain amount of premium notes.

137.—(1) If there is a loss on property insured by the company, the board of directors may retain the amount of the

premium note or undertaking given for insurance thereof until the time has expired for which insurance has been made, and at the expiration of said time the insured shall have the right to demand and receive such part of the retained sum as has not been assessed for. R. S. O. 1887, c. 167, s. 131.

Return of premium note after insurance ended.

(2) On the expiration of forty days after the term of insurance ended, the premium note or undertaking given for the term shall be absolutely null and void, except as to first payment or fixed payments remaining unpaid, and except as to lawful assessments of which written notice pursuant to sections 130 and 131 has been given to the maker of the premium note or undertaking during the currency of the policy or within the said period of forty days, and on the expiration of the said period the premium note or undertaking shall, upon application therefor, be given up to the maker thereof, provided all liabilities with which the premium note or undertaking is chargeable as aforesaid have been paid. 53 V. c. 44, s. 4.

Actions in division courts where brought.

138.—(1) Any action cognizable in a Division Court upon or for any premium note or undertaking, or any sum assessed or to be assessed thereon, may be entered and tried and determined in the court for the division wherein the head office or any agency of the company is situate. R. S. O. 1887, c. 167, s. 133.

Proviso.

Provided always, that the provisions of this section shall not apply to or include any such premium note or undertaking, nor any sum assessed thereon, unless within the body of such note or undertaking or across the face thereof, there was at the time of the making or entering into the same, printed in conspicuous type, and in ink of a color different from any other in or on such note the words following: "Any action which may be brought or commenced in a division court in respect or on account of this note or undertaking, or any sum to be assessed thereon, may be brought and commenced against the maker hereof in the Division Court for the division wherein the head office or any agency of the company is situate." 46 V. c. 35, s. 1.

Appeals in Division Court actions.

(2) Where, in any Division Court suit or proceeding, a decision is rendered which, in effect or in terms, renders invalid any general assessment made by a mutual insurance company, such decision shall be appealable, notwithstanding the sum in dispute upon the appeal is less than $100, and all the provisions contained in sections 148 to 153, both inclusive, of *The Division Courts Act* shall apply to such appeal. 52 V. c. 31, s. 3.

Premium notes not to create lien on land.

139. No premium note or undertaking shall create a lien upon lands on which the insured property is situate.

Powers of incorporated companies to insure on the cash-premium principle.

140. Any cash-mutual fire insurance company registered under this Act may effect any insurance upon the cash-premium principle, for a period not exceeding three years, on farm and other non-hazardous property, and for one year or less on any other class of property, but the amount of cash insurances in one year shall be limited, so that the cash premiums received thereon during any one year shall not be in excess of one-half of the amount still payable in respect of premium notes or undertakings on hand on the thirty-first day of December of the previous year, according to the statement made under section 96, and all the property and assets of the company, including premium notes and undertakings, shall be liable for all losses which may arise under insurances for cash premiums, and any such company. R. S. O. 1887, c. 167, s. 135.

Issue of execution against company.

141.—(1) No execution shall issue against a mutual or cash-mutual company upon a judgment until after the expiration of sixty days from the recovery thereof, but this section shall not apply to any judgment recovered on any policy or undertaking of the company heretofore issued or given where more than sixty per centum of the premium, or premium note, or undertaking, was paid in cash at the time of the insurance or the application therefor. R. S. O. 1887, c. 167, s. 136 (1); 58 V. c. 34, s. 11 (2).

(2) A Judge in chambers, or a Referee in chambers, shall upon the recovery of a judgment against the company, upon the application of the person in whose favor the same has been recovered, upon notice to the company, inquire into the facts, and if he shall certify that more than sixty per centum of the premium note, or undertaking, was paid in cash at the time of the insurance, or upon the application therefor, execution may be forthwith issued upon such judgment. R. S. O. 1887, c. 167, s. 136 (2); 58 V., c. 34, s. 11 (2).

GENERAL PROVISIONS RELATING TO CONTRACTS OF INSURANCE.

142. Sections 143 to 146 inclusive shall apply to contracts of insurance generally.

Contracts to be deemed made in Ontario.

143. When the subject matter of any insurance contract is property, or an insurable interest within the jurisdiction of Ontario, or is a person domiciled or resident therein, any policy, certificate, interim receipt, or writing evidencing the contract shall, if signed, countersigned, issued or delivered over in Ontario, or committed to the post office or to any carrier, messenger or agent, to be delivered or handed over to the assured, his assign or agent in Ontario, be deemed to evidence a contract made therein, and the contract shall be construed according to the law thereof, and all moneys payable under the contract shall be paid at the office of the chief officer or agent in Ontario of the insuring corporation, in lawful money of

Canada, and this section shall have effect notwithstanding any agreement, condition or stipulation to the contrary. 56 V. c. 32, s. 10 (1).

Terms, etc., of contracts in valid unless set out in full.

144.—(1) Where any insurance contract made by any corporation whatsoever, within the intent of section 2 of this Act is evidenced by a sealed or written instrument, all the terms and conditions of the contract shall be set out by the corporation in full on the face or back of the instrument forming or evidencing the contract, and unless so set out, no term of, or condition, stipulation, warranty or proviso, modifying or imparing the effect of any such contract made or renewed after the commencement of this Act shall be good and valid, or admissable in evidence to the prejudice of the assured or beneficiary. 52 V. c. 32, s. 4. 55 V. c. 39, s. 33 (1).

Provided that nothing herein contained shall exclude the proposal or application of the assured from being considered with the contract, and the court shall determine how far the insurer was induced to enter into the contract by any material misrepresentation contained in the said application or proposal. 58 V. c. 34, s. 5 (10).

Proviso.

Provided also, that a registered friendly society may instead of setting out the complete contract in the certificate or other instrument of contract, indicate therein by particular references those articles or provisions of the constitution, by-laws or rules which contain all the material terms of the contract not in the instrument of contract itself set out, and the society shall at or prior to the delivery over of such instrument of contract deliver also to the assured a copy of the constitution, by-laws and rules therein referred to.

Proviso.

Provided also, that nothing in sub-sections 1, 2 and 3 of this section contained shall be deemed to impair the effect of the provisions contained in sections 168 to 173 inclusive, or the effect of the provisions contained in section 54 of an Act passed in the fifty-second year of Her Majesty, and chaptered 33." 55 V. c. 39, s. 33 (1).

Contract not to be invalidated by erroneous statement in application unless material.

(2) No contract of insurance made or renewed after the commencement of this Act shall contain, or have endorsed upon it, or be made subject to any term, condition, stipulation, warranty or proviso, providing that such contract shall be avoided by reason of any statement in the application therefor, or inducing the entering into of the contract by the corporation, unless such term, condition, stipulation, warranty or proviso is limited to cases in which such statement is material to the contract, and no contract within the intent of section 2 of this Act, shall be avoided by reason of the inaccuracy of any such statement, unless it be material to the contract. 52 V. c. 32, s. 5. 55 V. c. 39, s. 33 (2).

Materiality, how decided.

(3) The question of materiality in any contract of insurance whatsoever shall be a question of fact for the jury, or for the Court if there be no jury, and no admission, term, condition,

stipulation, warranty or proviso to the contrary, contained in the application or proposal for insurance, or in the instrument of contract, or in any agreement or document relating thereto shall have any force or validity. 55 V. c. 39, s. 33 (3).

Insurer's right of entry after loss.

145.—(1) After any loss or damage to insured property the insurer has, by a duly accredited agent an immediate right of entry and access sufficient to survey and examine the property, and make an estimate of the loss or damage, but the insurer is not entitled to the disposition, control, occupation, or possession of the insured property, or of the remains or salvage thereof, unless the insurer undertakes reinstatement, or accepts abandonment of the property. 55 V. c. 39, s. 33 (4).

Duty of assured after loss.

(2) After loss or damage to insured property, it is the duty of the assured when, and as soon as practicable, to secure the insured property from damage, or from further damage, and to separate as far as reasonably may be, the damaged from the undamaged property, and to notify the insurer when such separation has been made, and thereupon the insurer shall be entitled to entry and access sufficient to make an appraisement or particular estimate of the loss or damage.

Proviso.

Provided that at any time after the loss or damage the insurer and the assured may under a term of the contract of insurance or by special agreement make a joint survey, examination, estimate, or appraisement of the loss or damage, in which case the insurer shall be deemed to have waived all right to make a separate survey, examination, estimate or appraisement thereof. 55 V. c. 39, s. 33 (4).

Consolidation of actions for insurance money.

146.—(1) In case of several actions being brought for insurance money, the Court shall consolidate or otherwise deal therewith so that there shall be but one action for and in respect of the shares of all the persons entitled under a policy.

Where infants are entitled to insurance money.

(2) If an action is brought for the share of one or more infants entitled, all the other infants entitled, or the trustees, executors, or guardians entitled to receive payments of the shares of such other infants, shall be made parties to the action, and the rights of all the infants shall be dealt with and determined in one action. The persons entitled to receive the shares of the infants may join with any adult persons claiming shares in the policy. In all actions where several persons are interested in the money, the Court or Judge shall apportion among the parties entitled any sum directed to be paid, and shall give all necessary directions and relief. R. S. O. 1887, c. 136, s. 19.

Action for annuity or recurring payment.

(3) In any action commenced in a Division or County Court for any insurance or benefit alleged to be payable to the assured or any beneficiary, assignee, representative or guardian, when the insurance or benefit claimed is in the nature of an annuity,

or other periodical or recurring payment, so that the present or capitalized value of the insurance or benefit amounts or may amount to a sum beyond the jurisdiction of the Court in which the action is brought, the defendant may file with the Registrar or Local Registrar of the High Court an affidavit setting out such facts, and thereafter upon the application of the defendant the action shall be removable into the High Court of Justice. Cf. 52 V. c. 31, s. 3.

INSURANCE OF THE PERSON.

1. *General provisions applicable to all Insurers.*

Application of secs. 148 to 165.

147. Sections 148 to 165, inclusive, shall apply to insurance of the person within the meaning of subsection 34 of section 2.

Days of grace for payment of premiums.

148.—(1) In any insurance of the person, where the money payable by way of premiums, dues or assessments (not being the initial premiums, dues or assessments), under any contract whatsoever, is unpaid, any of the persons hereinafter mentioned may within thirty days from and including the first day on which the money is due, by registered letter or otherwise, pay, deliver or tender to the company at its head office, or at its chief agency in Ontario, or to the company's collector or authorized agent, the sum in default. On payment, delivery or tender as aforesaid by the assured, or by any of the beneficiaries under the contract, the contract shall be deemed to have been *ipso facto* revived or renewed, and any stipulation or agreement to the contrary shall, as against the assured or his beneficiaries, be utterly void, the thirty days hereinbefore mentioned shall run concurrently with the period of grace or credit (if any) allowed by the insurer for the payment of a premium or of an instalment of premium, and nothing herein contained shall be deemed to extend the period of grace or credit beyond the total of thirty days. This sub-section shall not be deemed to extend the time allowed for the payment of contributions or assessments by section 165 of this Act. 56 V. c. 32, s. 10 (12).

Limitation of actions.

(2) Notwithstanding any stipulation or agreement to the contrary, any action or proceeding against the insurer for the recovery of any claim under or by virtue of a contract of insurance of the person may be commenced at any time within the term of one year next after the happening of the event insured against or within the further term of six months, by leave of a Judge of the High Court, upon its being shown to his satisfaction that there was a reasonable excuse for not commencing the action or proceeding within the first mentioned term. 56 V. c. 32, s. 10 (12.)

Error in age not to avoid contract, but benefit to abate.

149.—(1) Where the age of a person is material to any contract and such age is given erroneously in any statement or warranty made for purposes of the contract, such contract shall not be avoided by reason only of the age being other than as stated or warranted, if it shall appear that such statement or warranty was made in good faith and without any intention to deceive, but the person entitled to recover on such contract shall not be entitled to recover more than an amount which bears the same ratio to the sum that such person would otherwise be entitled to recover as the premium proper to the stated age of such person bears to the premium proper to the actual age of such person, the said stated age and the actual age being both taken as at the date of the contract. 52 V. c. 32, s. 6 (1); 55 V. c. 39, s. 34 (1).

Proviso.

Provided that in no case shall the amount receivable exceed the amount stated or indicated in the contract. 55 V. c. 39, s. 34 (1).

Proviso.

Provided, also, that where the application for and contract of insurance expressly limit the insurable age, and where the actual age of the applicant for insurance at the date of his application exceeds the age so limited, the contract shall, during the lifetime of the assured and not later than five years from the date of the contract, be voidable at the discretion of the insurer within thirty days after the error in age comes to the knowledge of the insurer. 58 V. c. 34, s. 5 (11).

"Premiums."

(2) For purposes of the next preceding sub-section the word "premium" shall mean the net annual premium as shown in or deduced from the Hm. Tables of the Institute of Actuaries of Great Britain, the rate of interest being taken at 4½ per cent per annum. 52 V. c. 32, s. 3; 55 V. c. 39, s. 34 (2); 56 V. c. 32, s. 10 (10).

Fractional part of a year.

(3) If the error in age includes a fractional part of a year exceeding a half year, such fractional part shall be computed as a whole year, but if the fractional part does not exceed a half year it shall be wholly disregarded in the computation. 52 V. c. 32, s. 6 (2); 55 V. c. 39, s. 34 (3).

Where age is by agreement taken as greater than known age.

(4) When by the terms and for the purposes of the contract, the age of the person in respect of whose age the contract is taken to be greater than the actual age of such person, the number of years added to such age shall, for purposes of the calculation provided for by this section, be added to the true age of such person. 52 V. c. 32, s. 6 (2); 55 V. c. 37, s. 34 (4).

Error may be adjusted between insurer and assured at any time before maturity of contract.

(5) Where any error is discovered in respect of any contract of insurance, or of the premium or premiums paid or to be paid upon such contract, nothing herein contained shall be construed in any way to prevent at any time before the maturity of the contract an adjustment between the insurer and the assured of the amount or amounts payable in respect of any insurance affected, or of the premium or premiums paid or to be paid. 55 V. c. 39, s. 34 (5).

150.—(1) In any insurance of the person, except an annuity on life, it is necessary for the validity of the contract that the beneficiary under the contract (being other than the assured, or the parent, or *bona fide* donee, grantee or assignee of the assured, or a person entitled under the will of the assured, or by operation of law), have had at the date of the contract a pecuniary interest in the duration of the life or other subject insured, provided that any otherwise lawful contract of annuity upon life shall not require for its validity that the annuitant has or at any time had an insurable interest in the life of the nominee. 55 V. c. 39, s. 35 (2). Insurable interest necessary to support contract.

(2) No corporation shall insure or pay on the death of a child under 10 years of age, any sum of money which added to any sum payable on the death of such child by any other insuring corporation exceed the following amounts respectively, that is to say :— Sums insurable at ages less than ten.

If any such child dies under the age of			2	years,	$32
"	"	"	3	"	40
"	"	"	4	"	48
"	"	"	5	"	56
"	"	"	6	"	83
"	"	"	7	"	92
"	"	"	8	"	110
"	"	"	9	"	129
"	"	"	10	"	147

Provided that nothing in this section contained shall apply to such insurances on the lives of children under ten years of age as were in force on the fourteenth day of April, 1892, or apply to insurance on the lives of children of any age where the person affecting the insurance has a pecuniary interest in the life of the assured. 55 V. c. 39, s. 35 (3). Proviso.

(3) Where the age of the assured is at the date of the contract, less than ten years, and the insuring corporation has knowingly, or without sufficient enquiry, entered into any contract prohibited by the next preceding subsection, the premiums paid thereunder shall be recoverable from the corporation by the person or persons paying the same together with legal interest thereon. 55 V. 39, s. 35 (4). Where insurance excessive.

(4) Every corporation undertaking or effecting insurances on the lives of children under ten years of age shall print subsections 1, 2, 3, 4 and 5 of this section in conspicuous type upon every circular soliciting, and upon every application for, and every instrument of contract of, such insurance; and any contravention of this subsection shall be punishable as for an offence against section 85, the proceedings and penalty enacted in which section shall equally apply to an offence committed against this sub-section. 55 V. c. 39, s. 35 (5). Subsecs. 1 to 5 to appear on circular, etc.

Provided that instead of printing the matter required by this subsection, the company may with the consent in writing Insurance of children's lives.

of the Insurance Registrar print or stamp the following words in lieu thereof :—"Any insurance undertaken or offered to be undertaken in the Province of Ontario in respect of the lives of children under ten years of age is subject to the restrictions enacted by sub-sections 1 and 5 (inclusive) of section 150 of *The Ontario Insurance Act, 1897.* 56 V. c. 32, s. 10 (11).

Insurance effected by parents upon the lives of minor children generally.

(5) In respect of insurances heretofore or hereafter effected on the lives of persons under twenty one years of age, where such insurance has been effected by a parent upon the life of his child, such insurance shall not be deemed to be invalid by reason only of the parent's want of pecuniary interest in the life of the child. 55 V. c. 39, s. 35 (6).

Minors of fifteen years and upwards competent to effect insurance on their own lives and give discharge.

(6) In respect of insurance heretofore or hereafter, by any person not of the full age of twenty-one years but of the age of fifteen years or upwards effected upon his own life, for either his own benefit or for the benefit of his father, mother, brother or sister, the assured shall not by reason only of his minority, be deemed incompetent to contract for such insurance or for the surrender of such insurance, or to give a valid discharge for any benefit accruing, or for money payable under the contract. 55 V. c. 39, s. 35 (7).

Insurable interest in one's own life.

151.—(1) Every person of the full age of twenty-one years shall be deemed to have an unlimited insurable interest in his own life and may effect *bona fide* at his own charge insurance or insurances of his own person for the whole term of life, or any shorter term for the sole or partial benefit of himself, or his estate or any other person, persons or corporation whatsoever, whether such other beneficiary has or has not an insurable interest in the life of the assured. The insurance money may be made payable to any person either for his own use or as trustee for another person.

Frauds in payments of premiums.

(2) If the policy was effected and premiums paid by the assured with intent to defraud his creditors, the creditors shall be entitled to receive out of the sum secured an amount equal to the premiums so paid. R. S. O., 1887, c. 136, s. 22.

(3) The assured may designate or ascertain the beneficiary by the contract of insurance or by instrument in writing attached to or endorsed on, or identifying the said contract by number or otherwise, and may by the said contract or by the above mentioned, or other like instrument apportion the insurance money, or by like instrument from time to time reapportion the same, or alter or revoke the benefits, or trusts or add or substitute new beneficiaries, or trustees, or divert the insurance money wholly or in part to himself or his estate . provided that the assured shall not alter, or revoke, or divert the benefit of any person who is a beneficiary for value ; nor shall the assured divert the benefit of a person who is of

the class of preferred beneficiaries to a person not of the said class or to the assured himself, or to his estate. 59 V. c. 45, s. 2 (2).

(4) This section applies not only to any future contract of insurance, and to any declaration made on or relating to any such contract, but also to any contract of insurance heretofore issued and declaration heretofore made.

Act not to affect other modes of assignment.

(5) Nothing contained in this Act shall be held or construed to restrict or interfere with the right of any person to effect or assign a policy for the benefit of any one or more beneficiaries, in any other mode allowed by law. R. S. O. 1887, c. 136, s. 23.

Provision in case of death of persons entitled where no apportionment.

(6) If one or more of the beneficiaries die in the lifetime of the assured and no apportionment or other disposition is subsequently made by the assured, the insurance shall be for the benefit of the surviving beneficiary or beneficiaries in equal shares if more than one; and if all the beneficiaries die in the lifetime of the assured, the benefit of the contract and the insurance money shall form part of the estate of the assured. R. S. O. 1887, c. 136 s. 9.

Protection of insurer in paying insurance before notice of declaration.

(7) Until the insurer has received the original or a copy of any declaration, apportionment, will or other instrument or disposition in writing affecting the insurance moneys or any portion thereof, or of any appointment or any revocation of a trustee, the insurer may deal with and obtain a valid discharge from the assured, or (as in the respective case may be) with and from his beneficiaries (such beneficiaries not being persons under incapacity), or with and from his trustees, executors, administrators or assigns in the same manner and with the like effect as if such declaration, apportionment, disposition, appointment or revocation had not been made. 59 V. c. 45, s. 5.

What accident includes.

152. In every contract of insurance against accident or casualty, or disability, total or partial, the event insured against shall be deemed to include any bodily injury occasioned by external force or agency, and either happening without the direct intent of person injured, or happening as the indirect result of his intentional act, such act not amounting to voluntary or negligent exposure to unnecessary danger, and no term, condition, stipulation, warranty or proviso of the contract varying the aforesaid obligation or liability of the corporation shall as against the assured have any force or validity. 55 V. c. 39, s. 36.

Maximum named in contract shall *prima facie* be payable.

153.—(1) Where the event has happened on the occurrence of which any benefit or insurance money is payable under the contract, but the amount payable is matter of dispute, the amount payable by the insurer to the beneficiary shall *prima facie* be the maximum amount stated or indicated in the con-

tract, and it shall lie on the insurer to prove the contrary. 55 V. c. 39, s. 41 (1).

Where maximum not paid claimant entitled to inspect insurer's books.

(2) If, when a claim accrues under a contract, the insurer offers the claimant a less sum than the maximum named in the contract, and either offers no explanation, or alleges as a reason for not paying the maximum, that the insurer's general contract fund, or some other fund is insufficient, the claimant shall, on written notice to the insurer, be entitled as of right, to inspect personally or by agent, all books and documents relating to the contract funds generally or the fund alleged to be insufficient. 55 V. c. 39, s. 46 (1).

Claimant may have order from Registrar, to inspect.

(3) If the insurer refuses or neglects to afford the claimant a reasonable opportunity of inspection as in the last sub-section provided, the claimant may file with the Insurance Registrar, an affidavit to the effect that he rightfully claims under a certain contract of the insurer, giving particulars sufficient to identify the contract, or if required, producing the contract, and that the insurer has refused or neglected to afford him opportunity of inspection as aforesaid, thereupon the Insurance Registrar may, under his hand and seal, give the claimant or his agent an order to inspect on a day named; and neglect or refusal thereafter to afford him an opportunity of inspection, shall be an offence, punishable as an offence or offences committed against section 85, the proceedings and penalty enacted in which section shall equally apply in the case of an offence against this section. 55 V. c. 39, s. 46 (2).

Insurance money, how payable.

154.—(1) When the insurance money becomes due and payable, it shall be paid within the time prescribed by section 80, and according to the terms of the policy or of any declaration or instrument as aforesaid, and shall, in the case of preferred beneficiaries, be free from the claims of any creditors of the assured except as in section 151 provided. R. S. O. 1887, c. 135, s. 10 (1).

Case of infant beneficiaries.

(2) Where the insurance money or part thereof is for the benefit, in whole or in part, of infants, and the infants are mentioned as a class and not by their individual names, the money shall not be payable to the infants until reasonable proof is furnished to the insurer of the number, names and ages of the infants entitled. R. S. O. 1887, c. 136, s. 10 (2).

Appointment of trustees.

155.—(1) The insured may, by the policy or by his will, or by any writing under his hand, appoint a trustee or trustees of the money payable under the contract of insurance, and may from time to time revoke such appointment in like manner, and appoint a new trustee or new trustees and make provision for the appointment of a new trustee or of new trustees, and for the investment of the moneys payable under the contract. Payment made to such trustee or trustees shall discharge the company. R. S. O. 1887, c. 136, s. 11.

(2) If no trustee is named in the contract of insurance, or appointed as mentioned in sub-section 1, to receive the shares to which infants are entitled, their shares may be paid to the executors of the last will and testament of the assured, or to a guardian of the infants duly appointed by one of the Surrogate Courts of this Province or by the High Court, or to a trustee appointed by the last named Court, upon the application of the wife, or of the infants or their guardian, and such payment shall be a good discharge to the insurance company. Where no trustee payment of shares of infants.

(3) A guardian appointed under subsection 2 shall give security to the satisfaction of the Court or Judge for the faithful performance of his duty as guardian, and for the proper application of the money which he may recive. Security by guardian.

Provided that where any insurance money not exceeding $3,000 is payable to the wife and children of the assured, and some or all of the children are infants, the Court or Judge shall have discretion to appoint the widow of the assured, being the mother of such infants, as their guardian without security. Proviso.

(4) Where probate is sought in respect of a will for the sole purpose of obtaining insurance money, the fees payable on an appointment of a guardian or representative shall be as follows; Surrogate fees in certain cases.

Where the insurance money does not exceed $1,000, $4; where the insurance money exceeds $1,000, but does not exceed $2,000, $6; where the insurance money exceeds $2,000, but does not exceed $3,000, $8; and such fees shall be regulated in the manner prescribed by section 69 of *The Surrogate Courts Act*. Cf. R. S. O. 1887, c. 136, s. 14. Rev. Stat., c. 50.

(5) Subject to the express terms of the trust instrument (if any), any trustee named as provided for in subsections 1, 2 and 3, and any executor or guardian may invest the money received in any security in which trustees under the law of the Province may invest trust funds, and may from time to time alter, vary and transpose the investments and apply all or part of the annual income arising from the share or presumptive share of each of the infants, in or towards his or her maintenance and education, in such manner as the trustee, executor or guardian thinks fit, and may also advance to and for any of the infants, notwithstanding his or her minority, the whole or any part of the share of the infant of and in the money, for the advancement or preferment in the world, or on the marriage, of such infant. R. S. O. 1887, c. 136, s. 13. Investment of shares of infants.

156.—(1) Where under a contract made or by law deemed to be made in Ontario or a contract issued by an insurance corporation having its head office in Ontario, the insurance money is payable to the representatives of a person who at his death was domiciled or resident in a foreign jurisdiction, and no person has become his personal representative in Ontario, the money may on the expiration of two months after such death, be paid to the personal representative appointed by the Court of the foreign jurisdiction provided it Death of assured abroad, payment to foreign representative.

appears upon the probate or letters of administration, or other like document of such Court, or by a certificate of the Judge, under the seal of the Court, that it has been shewn to the satisfaction of the Court that the deceased at the time of his death was domiciled or resident at some place within the jurisdiction of such Court. R. S. O. 1887, c. 167, s. 137 (1); 51 V. c. 25, s. 1.

When contract directs payment to foreign representative.

(2) When the contract of such insurance provides that the insurance money may be paid to the personal representative appointed by the Court of the jurisdiction in which the deceased was resident or domiciled at the time of his death, the money may be paid to such representative accordingly at any time after the death aforesaid or according to the terms of the policy. 51 V. c. 25, s. 1.

Intestacy: payment (without representation) according to foreign law.

(3) Where under a contract made or by law deemed to be made, in Ontario the insurance money is payable to the representatives of a person who, at the time of his death was domiciled or resident in a foreign jurisdiction and died intestate, the money may after the expiration of three months after such death, if no person has become his personal representative in Ontario—be paid to the person or persons entitled according to the law of the foreign jurisdiction to receive the money and give a discharge for the same if such money were by the terms of the contract payable in such foreign jurisdiction. 52 V. c. 32, s. 7.

Testacy: payment according to foreign law.

(4) When a testator domiciled or resident in a foreign jurisdiction disposes of the insurance money by a will, valid according to the law of that jurisdiction, then such money may be paid at any time after death, or according to the terms of the contract in that behalf, to the person or persons entitled under such will to receive and give a valid discharge for money payable in such foreign jurisdiction. 52 V. c. 33, s, 7.

Where guardian appointed by foreign Court.

(5) Where it appears upon any letters of guardianship or other like document, relating to persons under incapacity, issued or to be issued by a Court in a foreign jurisdiction, or by a certificate of the Judge under the seal of such Court, that it has been shewn to the satisfaction of such Court that the assured at the maturity of the policy was domiciled or resident within its jurisdiction, and where security to the satisfaction of the Court has been given by the guardian or other like officer appointed by the said letters or document, then the High Court upon application for the appointment of the said guardian or like officer as trustee under this section, may dispense with the giving of security, provided it has also been shown that the infants or other beneficiaries under incapacity reside within the jurisdiction of the foreign Court, and that the proposed trustee is a fit and proper person, and that the security has, in accordance with the practice of such foreign Court, been given in respect of and for the due application and account of the money payable under the policy. 56 V. c. 32, s. 7; 59 V. c. 45, s. 4 (2).

(6) This section applies to policies heretofore issued as well as to policies to be issued hereafter, and whether the death has occurred before the passing of this Act or not. R. S. O. 1887, c. 167, s. 137 (2).

Insurer may pay money into court.

157.—(1) If there is no trustee, executor, or guardian competent to receive the share of any infant in the insurance money, and the insurer admits the claim or any part thereof, the insurer at any time after the expiration of two months from the date of its admission of the claim or part thereof, may obtain an order from the High Court for the payment of the share of the infant into Court, and in such case the costs of the application shall be paid out of the share (unless the Court otherwise directs), and the residue shall be paid into Court pursuant to the order, and such payment shall be a sufficient discharge to the insurer for the money paid; and the money shall be dealt with as the Court may direct. R. S. O. 1887, c. 136, s. 15 (1).

Where claim admitted, but money not paid.

(2) If the insurer does not within sixty days from the time that the claim is admitted, either pay the same to some person competent to receive the money under this Act, or pay the same into the High Court, the said Court may upon application made by some one competent to receive the said money or by some other person on behalf of the infant, order the insurance money, or any part thereof, to be paid to any trustee, executor, or guardian competent to receive the same, or to be paid into Court to be dealt with as the Court may direct, and any such payment shall be a good discharge to the insurer. R. S. O. 1887, c. 136, s. 15 (2).

Costs.

(3) The Court may order the costs of the application, and any costs incidental to establishing the authority of the party applying for the order, to be paid out of such moneys, or by the insurer, or otherwise, as may seem just, and the Court may also order, the costs of, and incidental to, obtaining out of Court moneys voluntarily paid in by an insurer, to be paid out of such moneys. R. S. O. 1887, c. 36, s. 15 (3).

Power to convert into paid up policy.

158.—(1) If a person who has heretofore effected, or who hereafter effects, an insurance for the benefit of any preferred beneficiary or beneficiaries, whether such benefit appears by the terms of the policy or by endorsement thereon, or by an instrument referring to and identifying the policy, finds himself unable to continue to meet the premiums, he may surrender the policy to the insurer, and accept in lieu thereof a paid up policy for such sum as the premiums paid would represent, payable at death or at the endowment age or otherwise, as the case may be, in the same manner as the money insured by the original policy if not surrendered would have been payable; and the company may accept the surrender and grant the paid up policy, notwithstanding any declaration or direction in

favor of any preferred beneficiary or beneficiaries. R. S. O. 1887, c. 136, s. 16.

Power to borrow on the policy.

(2) The assured may, from time to time, borrow from the insurer, or from any other corporation, company or person, on the security of the policy, such sums as may be necessary and shall be applied to keep the policy in force, and on such terms and conditions as may be agreed on; and the sums so borrowed, together with such lawful interest thereon as may be agreed, shall, so long as the contract remains in force, be a first lien on the contract and on all moneys payable thereunder, notwithstanding any declaration or direction in favor of any preferred beneficiary or beneficiaries. R.S.O. 1887, c. 136, s. 17.

Power of assured and adults to deal with policy.

(3) Where all the beneficiaries, whether preferred or ordinary, are of full age, they and the assured may surrender the contract of insurance, or assign the same, either absolutely or by way of security. R. S. O. 1887, c. 136, s. 24; 51 V. c. 22, s. 4; 53 V. c. 39, s. 8.

Who deemed person entitled to benefit of policy for purposes of subsection 3.

(4) Where by any contract of insurance or by the declaration endorsed upon or attached to or identifying by its number or otherwise, any contract of insurance (whether such declaration has heretofore been or shall hereafter be made), it is provided that the contract shall be for the benefit of a person, and in the event of the death of such person for the benefit of another person, such first mentioned person shall, if living, be deemed for the purposes of subsection 3 of this section, the person entitled to be benefited under such contract. R. S. O. 1887, c. 136, s. 25; 53 V. c. 39, s. 7 (1).

(5) This section shall apply not only to any future contract of insurance, and to any declaration made or relating to any such contract, but also to any contract of insurance heretofore issued and declaration heretofore made. 53 V. c. 39, s. 7 (2).

Preferred beneficiaries.

159.—(1) Where a person (hereinafter called the assured) effects insurance on his or her own life, and either by the contract of insuranee, or by instrument in writing attached to or endorsed on, or identifying the said contract by number or otherwise, declares the insurance money or a portion of the principal or interest thereof to be for the benefit of the husband, wife, children, grandchildren or mother of the assured, then such contract shall (subject to the right of the assured to apportion or alter as hereinafter enacted) create a trust in favor of the said beneficiary or beneficiaries, according to the intent so expressed or declared, and so long as any object of the trust remains, the money payable under the contract shall not be subject to the control of the assured, or of his or her creditors, or form part of his or her estate, when the sum secured by the contract becomes payable; but this shall not be held to interfere with any pledge of the policy to any person prior to such declaration. R. S. O. 1887, c. 136, s. 5; 53 V. c. 39, s. 4, and s. 5; 56 V. c. 32, s. 8 (1) (2); 59 V. c. 45, s. 2.

(2) The husband, wife, children, grandchildren and mother of the assured shall constitute a class which may be known as "preferred beneficiaries," and all other beneficiaries may be known as "ordinary beneficiaries." Who shall constitute preferred beneficiaries.

(3) In the case of a policy or written contract of life insurance effected before marriage, a declaration under this section shall be, and shall be deemed to be as valid and effectual as if such policy or contract had been effected after marriage. 53 V. c. 39, s. 2.

(4) When a contract of life insurance is effected by an unmarried man, for the benefit of his future wife, or future wife and children, but the contract does not designate by name, or otherwise clearly ascertain a specific person as such intended wife, the contract (not being within the intent of subsection 5 or 6 hereof) shall be construed as provided in subsection 7. 53 V. c. 39. s. 3 (1). Insurance for benefit of future wife.

(5) When a contract is effected as in subsection 4, but at the maturity of the contract, the assured is still unmarried, or is a widower without issue, the insurance money shall fall into, and become part of the estate of the assured. 53 V. c. 39, s. 3 (2). Where assured unmarried or widower without issue.

(6) When a contract of life insurance is effected by an unmarried man, for the benefit of his future wife, or future wife and children, and the intended wife is designated by name, or is otherwise clearly ascertained in the contract, but the intended marriage does not take place, all questions arising on such contract shall be determined as if this Act had not been passed. 53 V. c. 39, s. 3 (2). Where assured does not marry the specified beneficiary.

(7) Where two or more beneficiaries are designated or ascertained but no apportionment as among them is made, all the said beneficiaries shall be held to share equally in the same, and where it is stated in the policy or declaration that the insurance is for the benefit of the wife and children generally, or of the children generally, without specifying the names of the children, the word "children" shall be held to mean all the children issue of the assured, living at the maturity of the policy, whether by his then or any former wife, and the wife to benefit by the policy shall be the wife living at the maturity thereof. R. S. O. 1887, c. 136, s. 7 (1). Where beneficiaries ascertained, but no apportionment made.

(8) If one or more of the preferred beneficiaries in whose favour the apportionment has been made, die in the lifetime of the insured, the assured may, by an instrument in writing, attached to or endorsed on or referring to and identifying the policy of insurance, by number or otherwise, declare that the share formerly apportioned to the person so dying shall be for the benefit of such other person or persons as he may name in that behalf, not being other than one or more of the class of preferred beneficiaries, and in default of any such declaration, the share of the person so dying shall be for the benefit of the Where apportionment made, but beneficiary predeceases assured.

survivor or survivors of such preferred beneficiaries in equal shares. R. S. O. 1887, c. 136, s. 8; 59 V. c. 45, s. 4 (2).

Application of section.

(9) This section applies not only to any future contract of insurance, and to any declaration made on or relating to any such contract, but also to any contract of insurance heretofore issued and declaration heretofore made. R. S. O. 1887, c. 136, secs. 1, 2, 5; 53 V. c. 39, secs. 2, 4, 5; 56 V. c. 32, secs. 8 (1), (2); 59 V. c. 45, s. 1.

Assured may vary benefit or beneficiary.

160.—(1) The assured may, by an instrument in writing attached to or endorsed on, or identifying the policy by its number or otherwise, vary a policy or declaration or an apportionment previously made, so as to restrict or extend, transfer or limit, the benefits of the policy to the wife alone or to the children, or to one or more of them, or to the mother or any other preferred beneficiary of the assured, as a beneficiary or sole beneficiary, although the policy is expressed or declared to be for the benefit of the wife and children, or of the wife alone, or of the child or children alone, or of the mother, or such other preferred beneficiary, or for the benefit of the wife for life, and of the children after her death, or for the benefit of the wife, and in case of her death during the life of the assured, then for the child or children, or any of them, or for the benefit of any one or more of the above mentioned persons for life, and, after his or their decease, for the benefit of any one or more of the survivors; or, although a prior declaration was so restricted; and he may also apportion the insurance money among the persons so intended to be benefited; and may, from time to time, by instrument in writing attached to or endorsed on the policy, or referring to the same, alter the apportionment as he deems proper; he may also, by his will make or alter the apportionment of the insurance money; and an apportionment made or altered by his will, shall prevail over any other made before the date of the will, except so far as such other apportionment has been acted on before notice of the apportionment by will; and whatever the assured may, under this section, do by an instrument in writing attached to or indorsed on or identifying the policy, or a particular policy or policies, by number or otherwise, he may also do by a will identifying the policy or a particular policy or policies by number or otherwise. 59 V. c. 45, s. 2 (1).

Apportionment of insurance money by declaration.

"Apportion," "apportionment," meaning of.

(2) "Apportion" or "apportionment" in this section includes and authorizes any division, sub division, re-apportionment, or disposition of insurance moneys or benefits among any of the class of persons who under this or any amending Act are persons included in the class of preferred beneficiaries; and also includes and authorizes any disposition of the said moneys or benefits such as partly or wholly to divest the right or to enlarge or diminish the interest of a beneficiary or beneficiaries acquired under any prior disposition of the said moneys or

benefits, or such as to substitute one beneficiary of the said class for any other or others, or all others, or conversely. 59 V. c. 45, s. 2 (2).

Proviso. Provided that the assured shall not by virtue of the preceding subsections be authorized to divert the said moneys, or benefits from all of the said class to a person not of the said class, or to the assured himself, or to his estate; or to divert the said insurance moneys or benefits, or any part thereof, from the original beneficiary when the policy expressly states that the beneficiary was a beneficiary for value. 59 V. c. 45, s. 2 (2).

Where beneficiary under friendly society contract is leading a criminal or immoral life. (3) Where it is proved to the satisfaction of the executive of a registered friendly society that any beneficiary under an insurance certificate or contract of the society is leading a criminal or an immoral life, then, and notwithstanding anything contained in this, or any other Act of the Province, it shall be competent for the assured, with the consent of the said executive, to declare either by endorsement on the certificate or contract or by other writing, that all right, title and interest of the said beneficiary in or to the benefit under the certificate is forfeited and annulled; and thereupon the said right, title and interest shall be forfeited and annulled accordingly; and the assured by a like writing may then or thereafter from time to time make a new appropriation in accordance with the lawful rules of the society, and may reappropriate the benefit; and the right of the assured in this behalf shall be in addition to his rights under this or other Acts of the Province. 57 V. c. 48, s. 4 (1).

Case of other contracts. (4) Where the contract is made by an insurer other than as mentioned in sub-section 3, then upon petition, and upon the like facts as in the said sub-section proved to the satisfaction of a Judge of the High Court the Judge may make an order annulling the benefit and granting such other relief as under the circumstances appears proper.

Application of section. (5) This section applies not only to any future contract of insurance, and to any declaration made on or relating to any such contract, but also to any contract heretofore issued, and declaration heretofore made. 57 V. c. 48, s. 4 (2); 59 V. c. 45, s. 2 (3).

Assured may direct application of bonuses and profits. **161.**—(1) The assured may, in writing require the insurer to pay the bonuses or profits, or portions thereof, accruing under the contract of insurance, to the assured, or to apply the same in reduction of the annual premiums payable by the assured, in such way as he may direct; or to add the said bonuses or profits to the benefit; and the insurer shall pay or apply such bonuses or profits as the assured directs; and according to the rates and rules established by the insurer;

Proviso. Provided always that the insurer shall not be obliged to pay

or apply such bonuses or profits in any other manner than as lawfully stipulated in the contract or the application therefor. This section applies to contracts made before the 4th day of March, 1881, and to bonuses and profits then declared in respect of such policies, as well as to policies thereafter made and hereafter to be made. R. S. O. 1887, c. 136, s. 18.

(2). Any contract of insurance may be surrendered or assigned.

(a) Where the policy is for the benefit of children only, and the children surviving are all of the full age of twenty-one years, if the assured and all such surviving children agree to so surrender or assign; or

(b) Where the policy is for the benefit of both a wife and children, and the surviving children are all of the full age of twenty-one years, if the assured, and his then wife (if any) and all such surviving children agree to so surrender or assign; or

(c) Where the policy is for the benefit of a wife only, or of a wife and children, and there are no children living, if the assured and his then wife agree to so surrender or assign. R.S O. 1887, c. 136, s. 7 (2).

2. Additional provisions-applicable to Friendly Societies only.

Application of sections 163 to 165.

162.—The additional provisions contained in sections 163 to 165 inclusive shall apply only to friendly societies registered as such under this Act.

Rules deliverable on demand.

163.—(1) A copy of all rules of a friendly society relating to its insurance contracts and to the management and application of the insurance funds shall be delivered by the society to every person on demand, on tender of twenty-five cents. 55 V. c. 39, s. 32 (1);

Delivery of untrue rules.

(2) If any officer or agent of a society, with intent to mislead or defraud, gives to any person a copy of rules other than the rules then in force, on the pretence that the same are the rules then in force, he shall be guilty of an offence; and shall, upon summary conviction thereof before any police magistrate or justice of the peace having jurisdiction where the offence was committed, be liable as for an offence committed against section 85 of this Act. 55 Vic, c. 39, s. 32 (2).

Officially certified rules.

(3) Any revision of or amendment to the rules of a corporation directed in terms of this Act by the Insurance Registrar to be made and made accordingly or purporting to be so made and certified by the said Registrar as conformable to his direction, or as assented to by him when assent in writing suffices without direction, shall so certified be transferred to the office of the Provincial Registrar, there to be filed and indexed, and the rules so certified shall, notwithstanding the declaration or

other instrument filed under any general or special Act, be final and conclusive evidence of the rules in force on, from and after the date of the said certificate until any subsequent revision or amendment in like manner certified and filed, and so from time to time; and until so revised or amended and the revision or amendment is so certified, the prior certified rules shall be binding and obligatory upon all members of the corporation. 58 V. c. 34 s. 4 (1).

Official determination in case of doubt.

(4) Where at any time doubt arises as to what are the subsisting rules of the corporation, the Insurance Registrar may hear and determine the question, and his certificate filed as in the next preceding sub-section shall have the same effect as therein enacted. 58 V. c. 34, s. 4 (2).

Limitation of member's liability in friendly society.

164.—(1) The liabilities of any member of a friendly society under his contract shall at any date be limited to the assessments, fees and dues of which at that date notice has been actually given by the society. 55 V. c. 39, s 39 (1).

Provided that the society with the assent in writing of the Registrar of Friendly Societies may from time to time make other provision by its rules for the absolute severance of a member and the determination of his liability; and such other rules, together with the written assent, shall be transferred to the office of the Provincial Registrar, there to be filed and indexed; and on, from and after the day of the said assent, the said rules shall be binding and obligatory upon all the members until superseded by other provision in like manner filed.

Provided also that in no case shall the period over which the said assessments, fees and dues extend exceed twelve months. 58 V. c. 34, s. 6 (5).

Release from liability.

(2) By paying or tendering payment of said assessments, fees and dues, and giving notice thereupon of his withdrawal by a writing delivered, or by registered letter to the society, any member shall become thereby released from all further liability under his contract. 55 V. c. 39, s. 39 (2).

Notice before forfeiture of benefit.

165.—(1) No forfeiture or suspension shall be incurred by any member of a friendly society, or person insured therein, by reason of any default in paying any contributions or assessment, except such as are payable at fixed dates, until after notice to the member stating the amount due by him, and apprising him that in case of default of payment by him within a reasonable time, not being less than thirty days, to the proper officer, to be specified in such notice, his interest or benefit will be forfeited or suspended, and until after default has been made by him in paying his contribution or assessment in accordance with such notice. "Fixed date" in this sub-section shall include any numbered day, or any Monday, Tuesday, *(or as the case may be,)* numbered, alternate, or recurring, of a stated month or months.

Proviso.

For any purpose of this Act or of the rules of the society notice may effectually given if written or printed notice is delivered, or by registered post prepaid is sent to the member, or left at his last known place of abode or of business, by or in behalf of the society.

Proviso.

Provided also that where under the rules or by-laws of the society a defaulting member is entitled to be reinstated on payment of arrears, after a stated number of days' default, this section shall not in any wise operate to prejudice the rights of such member. 55 V. c. 39, s. 40 (1).

Conditions of forfeiture to be just and reasonable.

(2) When the benefit of the contract is stipulated to be suspended or reduced or forfeited for any other reason than for non-payment of premium moneys, or money in the nature thereof, no such additional condition suspending, reducing or forfeiting the benefit shall be valid, unless it is held by the Court, or Judge before whom a question relating to the contract is tried, to be just and reasonable under the circumstances of the case, such decision to be subject to review or appeal.

Proviso.

Provided that in any contract of which total abstinence from intoxicating liquors is made an express condition, such condition shall be deemed to be just and reasonable. 55 V. c. 39, s. 40 (2).

CONTRACTS OF FIRE INSURANCE.

1. General provisions. (*All Fire Insurance Companies.*)

Property which may be insured.

166. Every company licensed and registered for the transaction of fire insurance may, within the limits prescribed by the license and registry, insure or reinsure dwelling houses, stores, shops and other buildings, household furniture, merchandise, machinery, live stock, farm produce, and other commodities, against damage or loss by fire or lightning, whether the same happens by accident or any other means, except that of design on the part of the assured, or by the invasion of an enemy, or by insurrection. R. S. O. 1887, c. 167, s. 108.

Terms of contracts.

167.—(1) Contracts of fire insurance shall not exceed the term of three years; and the insurance of mercantile and manufacturing risks shall, if on the cash system, be for terms not exceeding one year. R. S. O. 1887, c 167, s. 106.

Proviso.

Provided that contracts of fire insurance by any mutual or cash-mutual fire insurance company may be for any term not exceeding four years. 52 V. c. 30, s. 1.

Renewing contracts.

(2) Any contract that may be made for one year or any shorter period on the premium note system, or for three years or any shorter period on the cash system may be renewed at the discretion of the board of directors by renewal receipt instead of policy, on the insured paying the required premium,

or in the case of a contract on the premium note system by giving a new premium note or undertaking; and any cash payments or premium notes for renewal must be made at the end of the year, or other period for which the premium note was granted, otherwise the policy shall be null and void. R. S. O. 1887, c. 167, s 107 ; 56 V. c. 32, s. 9 (1).

2. Statutory Conditions and Provisions Relating Thereto.

(Binding all fire insurance contracts whatsoever in Ontario.)

Statutory conditions to be part of every policy unless varied.

168. The conditions set forth in this section shall, as against the insurer, be deemed to be part of every contract, (whether sealed, written or oral,) of fire insurance hereafter entered into or renewed or otherwise in force in Ontario with respect to any property therein or in transit therefrom or thereto, and shall be printed on every such policy with the heading *Statutory Conditions*, and no stipulation to the contrary, or providing for any variation, addition or omission, shall be binding on the assured unless evidenced in the manner prescribed by sections 169 and 170. R. S. O. 1887, c. 167, s. 114.

Statutory Conditions.

Misrepresentation or omission.

(1) If any person or persons insures his or their buildings or goods, and causes the same to be described otherwise than as they really are, to the prejudice of the company, or misrepresents or omits to communicate any circumstance which is material to be made know to the company, in order to enable it to judge of the risk it undertakes, such insurance shall be of no force in respect to the property in regard to which the misrepresentation or omission is made. R. S. O. 1887, c. 167, s. 114 (1).

Policy sent to be deemed as applied for unless variance pointed out.

(2) After application for insurance it shall be deemed that any policy sent to the assured is intended to be in accordance with the terms of the application, unless the company points out, in writing, the particulars wherein the policy differs from the application. R. S. O. 1887, c. 167, s. 114 (2).

When a change as to risk shall avoid a policy. Notice of change, etc.

(3) Any change material to the risk, and within the control or knowledge of the assured, shall avoid the policy as to the part affected thereby, unless the change is promptly notified in writing to the company or its local agent; and the company when so notified may return the premium for the unexpired period and cancel the policy, or may demand in writing an additional premium, which the assured shall, if he desires the continuance of the policy, forthwith pay to the company ; and if he neglects to make such payment forthwith after receiving such demand, the policy shall be no longer in force. R. S. O. 1887, c. 167, s. 114 (3).

Change of property.

(4) If the property insured is assigned without a written permission endorsed hereon by an agent of the company duly authorized for such purpose, the policy shall hereby become void; but this condition does not apply to change of title by succession or by the operation of the law, or by reason of death. R. S. O. 1887, c. 167, s. 114 (4).

Partial damage—salvage.

(5) Where property insured is only partially damaged, no abandonment of the same will be allowed unless by the consent of the company or its agent; and in case of removal of property to escape conflagration, the company will contribute to the loss and expenses attending such act of salvage proportionately to the respective interests of the company or companies and the assured. R. S. O. 1887, c. 167, s. 114 (5).

Money, securities, etc.

(6) Money, books of account, securities for money, and evidences of debt or title are not insured. R. S. O. 1887, c. 167, s. 114 (6).

Plate, paintings, clocks, etc.

(7) Plate, plate glass, plated ware, jewelry, medals, paintings, sculptures, curiosities, scientific and musical instruments, bullion, works of art, articles of vertu, frescoes, clocks, watches, trinkets and mirrors are not insured unless mentioned in the policy. R. S. O. 1887, c. 167, s. 114 (7).

Prior or subsequent insurance.

(8) The company is not liable for loss if there is any prior insurance in any other company, unless the company's assent thereto appears herein or is endorsed hereon; nor if any subsequent insurance is effected by any other company, unless and until the company assents thereto, or unless the company does not dissent in writing within two weeks after receiving written notice of the intention or desire to effect the subsequent insurance, or does not dissent in writing after that time and before the subsequent or further insurance is effected. R. S. O. 1887, c. 167, s. 114 (8).

Case of assent to other insurance.

(9) In the event of any other insurance on the property herein described, having been assented to as aforesaid, then this company shall, if such other insurance remains in force, on the happening of any loss or damage, only be liable for the payment of a ratable proportion of such loss or damage without reference to the dates of the different policies. R. S. O. 1887, c. 167, s. 114, (9).

(10) The company is not liable for the losses following, that is to say:

Liability in case of non-ownership.

(*a*) For the loss of property owned by any other party than the assured, unless the interest of the assured is stated in or upon the policy. R. S. O. 1887, c. 167, s. 114 (10) (*a*).

Riot, invasion, etc.

(*b*) For loss caused by invasion, insurrection, riot, civil commotion, military or usurped power. R. S. O. 1887, c. 167, s. 114 (10) (*b*).

(*c*) Where the insurance is upon buildings or their contents—for loss caused by the want of good and substantial brick or stone chimneys; or by ashes or embers being deposited, with the knowledge and consent of the assured, in wooden vessels; or by stoves or stovepipes being, to the knowledge of the assured, in an unsafe condition or improperly secured. R. S. O. 1887, c. 167, s. 114 (10) (*c*). Chimneys, ashes, stoves.

(*d*) For loss or damage to goods destroyed or damaged while undergoing any process in or by which the application of fire heat is necessary. R. S. O. 1887, c. 167, s. 114 (10) d. Goods to which fire heat is being applied.

(*e*) For loss or damage occurring to buildings or to their contents while the buildings are being repaired by carpenters, joiners, plasterers or other workmen, and in consequence thereof, unless permission to execute such repairs has been previously granted in writing, signed by a duly authorized agent of the company. But in dwelling houses fifteen days are allowed in each year for incidental repairs, without such permission. R. S. O. 1867, c. 167, s. 114 (*e*.) Repairs by carpenters, etc.

(*f*) For loss or damage occurring while petroleum, or rock-earth or coal oil, camphene, gasoline, burning fluid, benzine, naphtha or any liquid products thereof, or any of their constituent parts (refined coal oil for lighting purposes only, not exceeding five gallons in quantity, or lubricating oil not being crude petroleum nor oil of less specific gravity than requised by law for illuminating purposes, not exceeding five gallons in quantity, excepted), or more than twenty-five pounds weight of gunpowder is or are stored or kept in the building insured or containing the property insured, unless permission is given in writing by the company. R. S. O. 1887, c. 167, s. 114 10, (*f*). Gunpowder, coal oil, etc.

(11) The company will make good loss caused by the explosion of coal gas in a building not forming part of gas works, and loss by fire caused by any other explosion or by lightning. R. S. O. 1887, c. 167, s. 114 (11.) Explosion. Lightning.

(12) Proof of loss must be made by the assured, although the loss be payable to a third party. R. S. O. 1887, c. 167, s. 114 (12.) Proof of loss when payable to other than assured.

(13) Any person entitled to make a claim under this policy is to observe the following directions: Directions to be observed on making claim.

(*a*) He is forthwith after loss to give notice in writing to the company. R. S. O. 1887, c. 167, s. 114 (13) *a*.

(*b*) He is to deliver, as soon after as practicable, as particular an account of the loss as the nature of the case permits. R. S. O. 1887, c. 167, s. 114 (13) *b*.

(*c*) He is also to furnish therewith a statutory declaration, declaring:—

(1) That the said account is just and true.

(2) When and how the fire originated, so far as the declarant knows or believes.

(3) That the fire was not caused through his wilful act or neglect, procurement, means or contrivance.

(4) The amount of other insurances.

(5) All liens, and incumbrances on the subject of insurance.

(6) The place where the property insured, if movable, was deposited at the time of the fire. R. S. O. 1887, c. 167, s. 114 (13) *c*.

(*d*) He is in support of his claims, if required and if practicable, to produce books of account, warehouse receipts and stock lists, and furnish invoices and other vouchers; to furnish copies of the written portion of all policies; to separate as far as reasonably may be the damaged from the undamaged goods, and to exhibit for examination all that remains of the property which was covered by the policy. R. S. O. 1887, c. 167, s. 114 (13) *d*.

(*e*) He is to produce, if required, a certificate under the hand of a magistrate, notary public, commissioner for taking affidavits, or municipal clerk, residing in the vicinity in which the fire happened, and not concerned in the loss or related to the assured or sufferers, stating that he has examined the circumstances attending the fire, loss or damage alleged, that he is acquainted with the character and circumstances of the assured or claimant, and that he verily believes that the assured has by misfortune and without fraud or evil practice sustained loss and damage on the subject assured to the amount certified R. S. O. 1887, c. 167, s. 114 (13) *e*.

Proof of loss may be made by agent.

(14) The above proofs of loss may be made by the agent of the assured, in case of the absence or inability of the assured himself to make the same, such absence or inability being satisfactorily accounted for. R. S. O. 1887, c. 167, s. 114 (14).

False statement of fraud vitiates claim.

(15) Any fraud or false statement in a statutory declaration, in relation to any of the above particulars, shall vitiate the claim. R. S. O. 1887, c. 167, s. 114 (15).

Appraisement in case of differences.

(16) If any difference arises as to the value of the property insured, of the property saved, or of amount of the loss, such value and amount and the proportion thereof (if any) to

be paid by the company shall, whether the right to recover on the policy is disputed or not, and independently of all other questions be submitted to the arbitration of some person to be chosen by both parties, or if they cannot agree on one person, then to two persons, one to be chosen by the party assured and the other by the company, and a third to be appointed by the persons so chosen, or on their failing to agree, then by the County Judge of the county wherein the loss has happened; and such reference shall be subject to the provisions of the laws applicable to references in actions; and the award shall, if the company is in other respects liable, be conclusive as to the amount of the loss and proportion to be paid by the company; where the full amount of the claim is awarded the costs shall follow the event; and in other cases all questions of costs shall be in the discretion of the arbitrators.

Loss when payable.

(17) The loss shall not be payable until sixty days after the completion of the proofs of loss, unless otherwise provided for by the contract of insurance. R. S. O. 1887, c. 167, s. 114 (17).

Company may replace, instead of paying.

(18) The company, instead of making payment, may repair, rebuild or replace, within a reasonable time, the property damaged or lost, giving notice of their intention within fifteen days after receipt of the proofs herein required. R. S. O. 1887, c. 167, s. 114 (18).

Insurance terminable on notice.

(19) The insurance may be terminated by the company by giving notice to that effect, and, if on the cash plan, by tendering therewith a ratable proportion of the premium for the unexpired term, calculated from the termination of the notice: in the case of personal service of the notice, five days' notice, excluding Sunday, shall be given. Notice may be given by any company having an agency in Ontario by registered letter addressed to the assured at his last post office address notified to the company, and where no address notified, then to the post office of the agency from which the application was received, and where such notice is by letter, then seven days from the arrival at any post office in Ontario shall be deemed good notice: And the policy shall cease after such tender and notice aforesaid, and the expiration of the five or seven days as the case may be. R. S. O. 1887, c. 167, s. 114. (19).

(*a*) The insurance, if for cash, may also be terminated by the assured by giving written notice to that effect to the company or its authorized agent, in which case the company may retain the customary short rate for the time the insurance has been in force, and shall repay to the assured the balance of the premium paid. R. S. O. 1887, c. 167, s. 114 (19) *a*.

Waiver of condition.

(20) No condition of the policy, either in whole or in part, shall be deemed to have been waived by the company, unless the waiver is clearly expressed in writing, signed by an agent of the company. R. S. O. 1887, c. 167, s. 114 (20).

Officers assuming to agree in writ-

(21) An officer or agent of the company, who assumes on behalf of the company to enter into any written agreement

ing to be deemed agents.

relating to any matter connected with the insurance, shall be deemed *prima facie* to be the agent of the company for the purpose. R. S. O. 1887, c. 167, s. 114 (21).

Actions to be brought w th- in one year.

(22) Every action or proceeding against the company for the recovery of any claim under or by virtue of this policy, shall be absolutely barred, unless commenced within the term of one year next after the loss or damage occurs. R. S. O. 1877, c. 162. Schedule R. S. O. 1887, c. 167, s. 114 (22).

What constitutes written notice.

(23) Any written notice to a company for any purpose of the statutory conditions, where the mode thereof is not expressly provided, may be by letter delivered at the head office of the company in Ontario, or by registered post letter addressed to the company, its manager or agent, at such head office, or by such written notice given in any other manner to an authorized agent of the company. 50 V., c. 26, s. 114.

Variations how indicated.

169. If the insurer desires to vary the said conditions, or to omit any of them, or to add new conditions, there shall be added on the instrument of contract containing the printed statutory conditions words to the following effect, printed in conspicuous type and in ink of a different colour. R. S. O. 1887, c. 167, s. 115.

Variations in Conditions.

"This policy is issued on the above Statutory Conditions with the following variations and additions:

"These variations (*or as the case may be*) are, by virtue of the Ontario Statute in that behalf, in force so far as, by the Court or Judge before whom a question is tried relating thereto, they shall be held to be just and reasonable to be exacted by the company." R. S. O. 1887, c. 167, s. 115.

Variations not binding unless clearly indicated.

170. No such variation, addition or omission, shall, unless the same is distinctly indicated and set forth in the manner or to the effect aforesaid, be legal and binding on the assured; and no question shall be considered as to whether any such variation, addition or omission is, under the circumstances, just and reasonable, but on the contrary, the policy shall, as against the insurer, be subject to the statutory conditions only, unless the variations, additions or omissions are distinctly indicated and set forth in the manner or to the effect aforesaid. R. S. O. 1887, c. 167, s. 116.

Optional with insurers to pay claims void under certain Statutory conditions.

Provided it shall be optional with the insurers to pay or allow claims which are void under the 3rd, the 4th, or the 8th Statutory Condition, in case the said insurers think fit to waive the objections mentioned in the said conditions, R. S. O. 1887, c. 167, s. 112.

171. In case a policy is entered into or renewed containing or including any condition other than or different from the conditions set forth in section 168 of this Act, if the said condition so contained or included is held, by the Court or Judge, before whom a question relating thereto is tried, to be not just and reasonable, such condition shall be null and void. R. S. O. 1887, c. 167, s. 117.

Policy containing other than statutory conditions.

172.—(1) Where, by reason of necessity, accident or mistake, the conditions of any contract of fire insurance on property in this Province as to the proof to be given to the insurance company after the occurrence of a fire have not been strictly complied with; or where after a statement or proof of loss has been given in good faith by or on behalf of the assured, in pursuance of any proviso or condition of such contract. the company, through its agent or otherwise, objects to the loss upon other grounds than for imperfect compliance with such conditions or does not within a reasonable time after receiving such statement or proof notify the assured in writing that such statement or proof is objected to, and what are the particulars in which the same is alleged to be defective, and so from time to time; or where, for any other reason, the Court or Judge before whom a question relating to such insurance is tried or inquired into, considers it inequitable that the insurance should be deemed void or forfeited by reason of imperfect compliance with such conditions—no objection to the sufficiency of such statement or proof or amended or supplemental statement or proof (as the case may be) shall, in any of such cases be allowed as a discharge of the liability of the company on such contract of insurance wherever entered into. R. S. O. 1887, c. 167, s. 118.

If due proof of loss not given through accident, etc., or objection not made thereto, or made on other grounds than non-compliance with conditions;

or, if full compliance adjudged inequitable.

In above cases liability and policy not vacated.

(2) If in any action or proceeding upon a contract of fire insurance, the assured, being plaintiff in such action or proceeding, has in the opinion of the Court or Judge, wilfully neglected or unreasonably refused to furnish necessary information respecting the property for which the insurance money is claimed, and if as a consequence of such neglect or refusal, the defendant company has been at expense in obtaining information or evidence, the Court or Judge may, in disposing of costs, take into consideration the expense so incurred by the defendant company. 52 V. c. 31, s. 4.

Allowance for costs occasioned by default of plaintiff.

173. A decision of a Court or Judge under this Act shall be subject to review or appeal to the same extent as a decision by such Court or Judge in other cases. R. S. O. 1887, c. 167, s. 119.

Appeal.

INVESTIGATION OF FIRES.

174.—(1) Any Justice of the Peace, or any one having lawful authority to administer an oath or affirmation in any legal proceeding, may examine on oath or solemn affirmation

Justices of the Peace, etc., may swear and examine

witnesses regarding loss.

any party or person who comes before him to give evidence touching any loss by fire in which any fire insurance company is interested, and may administer any oath or affirmation required under this Act. R. S. O. 1887, c. 167, s. 120 (1).

May hold special investigation on request.

(2) On receiving a written request from any officer or agent of an insurance company with security for the expenses of an investigation, any Justice of the Peace may at once proceed to hold an investigation as to the origin or cause of any fire that has happened within his county or district, and as to the persons, if any, profiting thereby. R. S. O. 1887, c. 167, s. 120 (2).

Powers.

(3) The Justice of the Peace shall have power to send for persons and papers, and to examine all persons that appear before him on oath or solemn affirmation; and he shall keep a record of all such proceedings, and of all matters received in evidence before him. R. S. O. 1887, c. 167, s. 120 (3); 58 V. c. 34, s. 11 (1).

Parties to the investigation.

(4) Any director or officer of the insurance company, or the assured, or any person claiming under the policy, or any person prejudically affected by any of the evidence so far received, shall have the right to attend personally and by counsel, the investigations or proceedings as party thereto, and to call, examine, cross-examine or re-examine witnesses, as the case may be. 58 V. c. 34, s. 11 (1).

Interested persons not to act as magistrate or coroner; nor record evidence.

(5) No director or officer of the insurance company, nor any other person interested as hereinbefore mentioned, shall act as magistrate or coroner in any fire investigation; nor shall he act for the magistrate or coroner as clerk, reporter or otherwise, in taking down or recording the depositions or evidence. 58 V. c. 34, s. 11 (1).

Application of sub-sections 4 and 5.

(6) The two next preceding sub-sections shall equally apply to all fire investigations held by coroners or Provincial Coroners under any law of the Province. 58 V. c. 34, s. 11 (1).

Powers of provincial coroners, etc.

(7) For purposes of any investigation held under this last section the Provincial Coroner or a Justice of the Peace may summon and bring before him any person whom he deems capable of giving information or evidence touching or concerning the fire, and may examine such persons on oath; and he shall reduce such examinations to writing, and return the same to the clerk of the peace for the district or county within which they have been taken, and the fees payable to a Justice of the Peace in respect of such investigation shall be as herein enacted for a Provincial Coroner. 54 V. c. 37, s. 1 (5).

Appointment of Provincial Coroners to hold fire investigations.

175.—(1) It shall be lawful for the Lieutenant-Governor in Council to appoint from time to time, under the Great Seal, Provincial Coroners, each of whom shall be by virtue of his appointment both a coroner and a Justice of the Peace for

every county and part of Ontario, for purposes of holding fire investigations. 54 V. c. 37, s. 1 (1).

(2) The fees payable to a Provincial Coroner shall be as enacted by section 7 of chapter 217 of the Revised Statutes of Ontario, 1887. 54 V. c. 37, s. 1 (2). Fees of Provincial Coroners.

(3) Before any Provincial Coroner shall enter on any investigation under this Act, he shall obtain the consent in writing of either the Attorney-General or County Attorney for the county wherein the investigation is proposed to be held. 54 V. c. 37, s. 1 (3). Assent of Attorney-General or County Attorney required.

(4) This section shall be construed as one with chapters 80, 83 and 217 of the Revised Statutes of Ontario, 1887. Incorporation of provisions with prior enactments.

(5) For purposes of any investigation under section 174 of this section the Justice of the Peace or the Provincial Coroner shall have the same power and authority to require and compel the attendance of witnesses and the production of documents and the giving of evidence as a Justice of the Peace has under articles 580, 581, 582, 583, 584 and 585 of the Criminal Code, 1892. Compelling attendance of witnesses, the production of documents and the giving of evidence.

INSPECTION OF INSURANCE COMPANIES LICENSED BY THE PROVINCE.

176.—(1) The Lieutenant-Governor in Council may appoint an officer to be called the Inspector of Insurance, who shall act under the instructions of the Minister, and his duty shall be to examine and report to the Minister from time to time upon all matters connected with insurance, as carried on by the companies licensed by the Province under this Act. R. S. O. 1887, c. 167, s. 138 (1). Appointment of Inspector.

(2) The salary of the Inspector shall be such sum per annum as the Legislature shall, from time to time determine; and it shall be lawful to provide from time to time such assistance as may be found necessary. R. S. O. 1887, c. 167, s. 138 (2).

177. The Inspector shall keep on file the various documents required by this Act to be filed in his office, and shall keep a record of all licenses issued by the Minister. R. S. O. 1887, c. 167, s. 139. Inspector to keep papers on file.

178.—(1) The Inspector of Insurance shall personally or by deputy, visit the head office of every such company in Ontario at least once in every year, and shall carefully examine the statement of the company as to its condition and affairs and report thereon to the Minister, as to all matters requiring his attention and decision. R. S. O. 1887, c. 167, s. 140 (1). Duties.

(2) In order to facilitate the inspection of an insurance company's books and papers, the company may be required by the Inspector to produce, and thereupon the company shall produce the said books and papers at the county town of the county in which the head office of the insurance company is Inspection of books and papers.

situated, or at such other convenient place as the Inspector may direct. The officer or officers of the company who have custody of the books shall be entitled to be paid by the company for the actual expenses of such attendance. R. S. O. 1887, c. 167, s. 146.

Annual report.

(3) The Inspector shall from such examination prepare and lay before the Minister an annual report of the condition of every company's business, as ascertained from such inspection, and such report shall be published forthwith after the completion thereof. R. S. O. 1887, c. 167, s. 140 (2).

Powers of inspector.

(4) It shall be the duty of the officers or agent of the company to cause their books to be open for the examination of the Inspector, and otherwise to facilitate the examination so far as may be in their power; and the Inspector or deputy aforesaid, shall have power to examine under oath any officer or agent of the company relative to its business. R. S. O. 1887, c. 167, s. 141 (1).

Report of inspector.

(5) A report of all companies so visited shall be entered in a book kept for that purpose, with notes and memoranda, showing the condition of each company; and, where a special examination has been made, a special written report shall be communicated to the Minister, stating the Inspector's opinion of the condition and financial standing of the company, and all other matters desirable to be made known to the Minister. R. S. O. 1887, c. 167, s. 141 (2).

Entries, untrue or omitted.

Access to books and papers.

(6) Every director, officer, manager, agent, collector, auditor or employee of a company, who, knowingly makes or assists to make any untrue entry in any of the company's books, or who refuses or neglects to make any proper entry therein, or to exhibit the same or allow the same to be inspected and extracts to be taken therefrom shall be guilty of an offence, and the procedure and penalty shall be as enacted in subsection 6 of section 83 of this Act.

Provision if company appears unsafe

179.—(1) If it appears to the Inspector that the assets of any company are insufficient to justify its continuance of business, or that the company is unsafe for the public to effect insurance with, he shall make a special report on the affairs of the company to the Minister. R. S. O. 1887 c. 167, s. 143 (1).

Suspending license of company.

(2) After full consideration of the report and a reasonable time being given to the company to be heard, and if, after such further inquiry and investigation (if any), as he may see proper to make, the Minister reports to the Lieutenant-Governor in Council that he agrees with the Inspector in the opinion expressed in his report, then, if the Lieutenant-Governor in Council also concurs in such opinion, an Order in Council may issue, suspending or cancelling the license of the company, and prohibiting the company from doing any further business,

and thereafter it shall not be lawful for the company to do any further business in Ontario, until the suspension or prohibition is removed by the Lieutenant-Governor in Council. R. S. O. 1887, c. 167, s. 143 (2).

Notice of suspension of license.

180. Notice of the suspension or cancelling of any license and prohibition from doing any further business, shall be published in the *Ontario Gazette*; and thereafter any person transacting any business in behalf of the company, except for winding up its affairs pursuant to section 8, shall be deemed to have contravened section 85, and shall be liable for each offence to the penalty enacted in the said section. R. S. O. 1887, c. 167, s. 144.

Examination of company's affairs.

181. Whenever the affairs of any insurance company doing business in Ontario appear to require the same, the Inspector of Insurance, with the approval of the Minister, may, at the expense of the company, have abstracts prepared of its books and vouchers and a valuation made of the assets and liabilities; and the certificate of the Inspector approved of by the Minister, shall be conclusive as to the expenses to be paid by the company in respect thereof. R. S. O. 1887, c. 167, s. 147.

Inspector and officers not to be interested in any company.

182. The Inspector of Insurance, or any officers under him, shall not be interested as shareholders, directly or indirectly, with any insurance company doing business in Ontario. R. S. O. 1887, c. 167, s. 148.

Contribution from companies to expenses.

183.—(1) Towards defraying the expenses of the office of the Inspector, a sum not exceeding $3,000 shall be annually contributed by the companies required to be licensed by the Province under this Act. R. S. O. 1887, c. 167, s. 149 (1).

Mode of determining the amount of contribution to expenses.

(2) The amount to be annually contributed by the insurance companies under the provisions of the last preceding sub-section shall be assessed pro rata and based on the gross amount at risk as shown by the books of the several companies on the 31st day of December next preceding. R. S. O. 1887, c. 167, s. 149 (2).

Time and manner of payment.

(3) All sums under this Act payable to the Provincial Treasury shall be so paid before the issue of the license, and, in any disputed case, the Minister's certificate, or approval of an account certified by the Inspector, shall as to the amount so payable by each or any company be held conclusive. R. S. O. 1887, c. 167, s. 149 (3).

VOLUNTARY LIQUIDATION OF PROVINCIAL INSURANCE COMPANIES.

Voluntary liquidation

184.—(1) When a Provincial Insurance Company other than a Dominion licensee proposes to go into voluntary

liquidation, at least one month's notice in advance shall be given to the Minister and to the Insurance Registrar, and like notice shall also be published by the company in two consecutive issues of the *Ontario Gazette*, and in some other newspaper should the Registrar so require; and the notice shall state the date at which contracts shall cease to be taken by the company, also the name and address of the company's liquidator, or the intention of the company to apply on a stated day for the appointment of a liquidator. R. S. O. 1887, c. 167, s. 151.

Disposal of reserve at winding up of company.

(2) At the winding up of a Provincial Mutual or Cash-Mutual Fire Insurance Company, after notice has been given as required by sub-section 1, it shall be lawful for the directors of said company to re-insure out of the reserve or surplus funds the unexpired contracts for which premiums or premium notes have been taken. R. S. O. 1887, c. 167, s. 152 (1).

Re-insuring companies.

(3) The said reinsurance shall be effected in some company registered to transact business in the Province and approved by the Minister. R. S. O. 1887, c. 167, s. 152 (2).

Unearned premiums.

(4) When any company is wound up each person contracted with on the cash plan shall be entitled to a refund from the company for the unearned proportion of the cash premium calculated from the date at which the company, according to the notice in sub-section 1, ceased to undertake contracts; but this shall not destroy or defeat any other remedy such person may have against the company in respect thereof or for any other cause. R. S. O. 1887, c. 167, s. 153.

Receiver to give bonds; their form, amount and custody.

(5) Every receiver (including therein every liquidator or assignee) of a Provincial Insurance Company other than a Dominion Licensee, shall, forthwith, give such bonds or securities for his fidelity as would be required of a receiver under section 188; and in case of dispute or doubt, the Master-in-Ordinary upon motion of any creditor or person interested, or of the Insurance Registrar, shall conclusively determine the kind and amount of such bonds or securities. The bonds or securities given by any receiver shall be made and deposited as enacted in subsection 9 of the said section.

Receiver to file statements.

(6) Every liquidator or receiver under this section shall (until the affairs of the company are wound up and the accounts are finally closed) within seven days after the close of each month, file with the Court or other authority appointing him, and also with the Insurance Registrar, detailed schedules showing, in such form as may be required, receipts and expenditures, also assets and liabilities, and he shall, whenever by the authority appointing him, or by the Insurance Registrar so required to do, exhibit the company's books and vouchers, and furnish such other information respecting the company's affairs as may be required; and any receiver, assignee or liquidator refusing or neglecting to furnish such information,

shall, for each offence, be subject to a penalty of not less than $50 nor more than $200, to be recovered on behalf of Her Majesty for the use of this Province; and he shall in addition render himself liable to be dismissed or removed. R. S. O. 1887, c. 167, s. 154.

VOLUNTARY LIQUIDATION OF FRIENDLY SOCIETIES, OR OF THE INSURANCE FUNDS THEREOF: DISSOLUTION BY A SOCIETY OF ITS SUBORDINATE BRANCHES OR LODGES.

185.—(1) Any registered friendly society (being a Provincial corporation), or any insurance fund thereof, may be voluntarily wound up after resolution (hereinafter called the winding-up resolution) passed in that behalf in a general meeting, ordinary or special, after at least one month's notice of such intended resolution. Such resolution may be assented to and filed as provided in subsection 3 of section 163, and, after such assent and filing, the resolution shall have the same legal effect as therein enacted. Such resolution may provide for the transfer of the liabilities and assets of the society or of the fund to some other corporation.

Friendly society or fund may be voluntarily wound up.

(2) Where there are assets to be realized, distributed, disposed of or dealt with, the winding-up resolution shall appoint a competent and otherwise suitable person as liquidator, and shall fix the amount of his bonds (which shall be of sufficient amount for the purposes of liquidation), and shall state the amount and form of his compensation. Unless otherwise provided in the winding-up resolution, the then executive officers (other than such one, if any, of the number as is appointed liquidator) shall act as a committee of inspection and shall audit the liquidator's accounts at least once a month until his accounts are closed, and shall certify their audit.

Liquidator to be appointed by winding up resolution.

(3) Preliminary to any winding up or transfer under this section, there shall be filed with the Insurance Registrar a statement made by one or more of the executive officers of the society or fund, declaring, upon oath, the facts and circumstances of the case, and annexing to the statement as exhibits a true copy of the winding-up resolution, and also a financial statement showing in such form as shall be required the liabilities and assets of the society or of the fund; such other information then and from time to time during the winding up shall be furnished as the Insurance Registrar shall require, and the provisions of subsections 5 and 6 of section 184 shall equally apply to a liquidator under this section.

Documents to be filed with Registrar.

Liquidator's bonds and accounts.

(4) Where, in such a society as mentioned in subsection 1, endowment or expectancy insurance is transacted and there exists an endowment fund separate and distinct from the life insurance fund, then, by a resolution passed by a majority of the persons assembled in a general meeting ordinary or special after at least one month's notice of such intended resolution,

Endowment fund may be distributed.

the society may determine that the endowment or expectancy insurance shall be discontinued, and that the endowment or expectancy fund shall be distributed pro rata among the members then in good standing (contributors to such fund) according to the total contribution of each such member to the fund. After the resolution has been assented to and filed, as provided in sub-section 1, the executive officers of the society may proceed to ascertain the persons legally entitled to rank upon the fund, and may distribute the fund among those so entitled; and such distribution shall discharge the society and all executive officers thereof from all further or other liability in respect of such fund and in respect of endowment or expectancy contracts undertaken by the society.

Or may be converted into life insurance fund.

(5) In such case as mentioned in sub-section 4, if all the members interested in the endowment or expectancy fund are also interested as holders of life insurance contracts, then the general meeting of the majority of the members present thereat instead of determining that the endowment or expectancy fund ,shall be distributed, may determine that such fund shall be converted into, or merged in a life insurance fund; and after the said resolution has been assented to and filed as provided in subsection 1, the endowment or expectancy fund shall be deemed to have become and to be a life insurance fund

No endowment insurance to be thereafter transacted.

(6) After the passing of such a resolution as mentioned in subsection 4 or subsection 5, it shall be unlawful for the society thereafter to undertake or transact any endowment or expectancy insurance whatsoever.

Dissolution of subordinate branches and lodges.

(7) If the registered society shall at any time revoke the warrant or charter under which a subordinate branch or lodge is operated (whether such branch or lodge is incorporated or not) such revocation shall be certified in duplicate by the presiding officer and the secretary of the society under the seal thereof; one of the said duplicates shall be filed with the Registrar of of Friendly Societies, the other with the Provincial Registrar; and this certificate from the filing thereof in the office of the Provincial Registrar, shall, *ipso facto*, operate to dissolve the subordinate branch or lodge,and to vest its property,assets, funds and effects in the presiding officer and the secretary of the registered society and their successors in office, as trustees for the creditors and persons beneficially entitled; and the surplus (if any) after the liabilities are satisfied, shall vest in the registered society to its own use absolutely. 56 V. c. 32, s. 4 (2).

Master in-Ordinary to finally dispose of doubts, difficulties or disputes.

(8) In any winding up, transfer or dissolution under this section, or under section 184, if doubts, difficulties or disputes arise as to any matter whatsoever, the Insurance Registrar or the liquidator, or any of the committee of inspection, or any person interested in the estate may apply to the Master-in-Ordinary who shall finally dispose of the matter; and the said Master may on the motion of any of the said persons remove the liquidator and appoint another liquidator, or do any other

matter or thing which the Master might do in the winding-up begun or proceeding under sections 186 to 196 of this Act; or upon the motion of the said persons or of the said committee, the said Master may by order remove into his office the winding up, transfer or dissolution which shall thereafter proceed as if begun or proceeding under the said sections.

Duration of winding up; s. 191 (4) to apply.

(9) The duration of any winding-up under this section shall not be prolonged beyond the period mentioned in sub-section 4 of section 191, all the provisions of which subsection shall equally apply to a liquidator under this section.

How proceedings may be entitled.

Notice.

(10) For purposes of any motion or other proceeding under this section or section 184, it shall be sufficient to entitle the proceeding as in the matter of this Act and of the Insurance corporation or fund concerned; and at least two clear days' notice of motion shall be given unless otherwise directed by the Master.

COMPULSORY LIQUIDATION OF PROVINCIAL INSURANCE COMPANIES.

Application of sections 187 to 196.

186.—(1) Sections 187 to 196 inclusive shall apply to Provincial insurance corporations other than those being wound up under sections 184 and 185, and other than licensees of the Dominion of Canada within the meaning of section 59. 50 V. c. 39, s. 52 (1).

"Provided that where the corporation is not constituted exclusively or chiefly for insurance purposes, and the insurance branch and fund are completely severable from every other branch and fund of the corporation, then the word "corporation" for purposes of sections 187 to 196 inclusive, means only the insurance branch of the corporation." 55 V. c. 34, s. 6 (10).

Case of two or more custodians of funds, etc.

(2) To such corporations the said sections shall equally apply where the accounts, account books, and insurance fund are in the charge, custody, possession or power of two or more persons; and in such case the words "receiver" and "interim receiver" shall include all of such persons unless and until other appointment or other disposition of the matter is made by the Court. 55 V. c. 39, s. 52 (2).

Commencement of winding up.

(3) The winding up of any corporation under this Act shall be deemed to commence at the beginning of the day on which the corporation became unregistered in terms of section 76; and when the corporation is constituted for the transaction of insurance exclusively, its corporate powers shall *ipso facto* cease and determine except for the sole purpose of winding up its affairs. 58 V. c. 34, s. 6 (10).

Effect of winding up.

(4) After the date of the commencement of the winding up, any transfer of shares unless made by authority of the High Court, or any alteration in the status of members of the corporation shall be void; and no suit, action or other proceed-

ing shall be proceeded with or commenced against the corporation except by leave of the Court and subject to such terms as the Court imposes ; and every attachment, sequestration, distress or execution put in force against the estate of the corporation shall be void. 58 V. c. 34, s. 6 (10).

Cesser of contracts of employment.

(5) All contracts of employment entered into by the corporation shall *ipso facto* cease and determine at the commencement of the winding up. 58 V. c. 34, s. 6 (10).

No marshalling of assets, nor preference of creditors except as enacted.

(6) In any winding up under this Act all the funds, assets and property of the liquidating corporation or any liquidating branch or lodge thereof shall be deemed general assets of the liquidating corporation, branch or lodge, respectively, for the payment of all debts of the corporation, branch or lodge respectively, and are not to be applied to the payment of any particular debts, preferentially or exclusively, except as otherwise herein expressly enacted. 58 V. c. 34, s. 6 (10).

Effect of certain events or of non-registry.

187.—(1) Upon the happening of any of the events mentioned in subsection 1 of section 76. or upon notice given by the Insurance Registrar of the corporation's registry being cancelled, or where a corporation after the 31st December, 1892, neglects to register or renew its registry, the treasurer or other officer of the corporation in Ontario having in his charge, custody, possession or power the accounts, account books and insurance funds of the corporation shall *ipso facto* and during the pendency of an action or appeal if any, or the liquidator appointed under chapter 183 of the Revised Statutes of Ontario, 1887, if any, shall *ipso facto* and during the pendency of an action or appeal if any, become interim receiver for the corporation and an officer of the High Court subject to its control and direction, and shall so remain unless and until other appointment or other disposition of the matters is made by the Court. 55 V. c. 39, s. 53 (1).

Receiver subject to summary jurisdiction of Court.

(2) Every receiver (including interim receiver) shall be subject to the summary jurisdiction of the Court, in the same manner, and to the same extent, as the ordinary officers of the Court are subject to its jurisdiction ; and the performance of his duties may be compelled, and all remedies sought or demanded for enforcing any claim for a debt, privilege, mortgage, lien or right of property, upon, in or to any effects or property, in the hands, possession or custody of a receiver, may be obtained by an order of the Court on summary petition, and not by action, suit, attachment, seizure or other proceeding of any kind whatsoever ; and obedience by the receiver to such order may be enforced by the Court under the penalty of imprisonment, as for contempt of court, or disobedience thereto ; and in the discretion of the Court he may be removed, and with or without removal of the receiver, the Court may order the amount of any damage, loss or costs, ascertained to have

Remedies against estate obtained by summary order.

been occasioned to the estate by his misconduct, misfeasance, laches or neglect, to be deducted from his remuneration earned, or to be paid by him or his sureties. 58 V. c. 34, s. 6 (11). Remedies by the estate against receiver.

(3) The interim receiver shall forthwith deposit in the chartered bank prescribed by rules 163, 164 and 165 of the Consolidated Rules of Practice of the Supreme Court of Judicature, all moneys and securities for money in the charge, custody, possession or power of the corporation or of himself as officer of the corporation, and from time to time so deposit all further moneys and securities that come into his possession or power as receiver, unless and until otherwise ordered by the Court. 55 V. c. 39, s. 53 (2). Receiver to deposit forthwith in bank.

(4) On receiving from the interim receiver the moneys and securities for money of the corporation, together with his written notice that by virtue of this Act, the insurance corporation *(naming it)* has become unregistered, and that he is interim receiver for the same, the bank shall give the interim receiver a receipt for the moneys, and a separate receipt for the securities, specifying each security, each receipt being in triplicate; and the said receipts shall acknowledge the moneys and the securities respectively to have been deposited by the interim receiver *(naming him)* to the credit of the unregistered insurance corporation *(naming it)*, and as subject to the order of the High Court, and such moneys and securities when so deposited shall be held to be deposited to the joint credit of the said unregistered corporation and of the Accountant of the Supreme Court of Justice. 55 V. c. 39, s. 53 (3); 58 V. c. 34, s. 6 (12). Bank to give receipts.

(5) The payment of interest on the moneys so deposited in the bank shall be governed by the same rules as in the case of money received by the bank to the credit of a cause. 55 V. c. 39, s. 63 (4). Interest on moneys deposited.

(6) Notice from the Insurance Registrar to any person or corporation that the registry of an insurance corporation has been revoked or cancelled, or that the corporation has become unregistered, is sufficient notice that the funds and securities of the unregistered corporation are subject solely to the order of the High Court. 58 V., c. 34, s. 6 (11). Notice that the assets are a fund in Court.

188.—(1) After depositing the moneys and securities in the bank as required by subsection 3 of section 187, the interim receiver shall forthwith file an application in the office of the Master to the following effect:— Application to be filed by interim receiver in Master's office

The Ontario Insurance Act, 1897.

In the High Court of Justice, Division.

In the matter of (*name of corporation*), an unregistered insurance corporation. Form of application for confirmation or discharge.

I, C. D., by virtue of *The Ontario Insurance Act, 1897* (or of order made thereunder, *as the case may be*), interim receiver for the above

named corporation, do on the grounds set forth in the annexed affidavit apply to the Court for confirmation of me in my office of receiver (or for discharge of me from my office of receiver, *according as the interim receiver applies to be confirmed or discharged*), and for an appointment of a day on which my application shall be considered.

Dated at this day of 18 .

C. D.

55 V. c. 39, s. 54 (1).

In what Division entitled.

(2) The foregoing application may be entitled in any Division of the High Court; but every subsequent proceeding shall be entitled in that Division wherein the application was entitled. 55 V. c. 39, s. 54 (2).

Bank receipt and affidavit to be filed with the application.

(3) Together with the foregoing application the interim receiver shall file in the office of the Master one of each of the triplicate receipts given by the bank as aforesaid, and also an affidavit to the following effect, the necessary variations being made where by operation of this Act, two or more persons are made interim receiver, and join in the affidavit, and the interim receiver shall forthwith deliver another of the triplicate receipts to the Accountant of the Supreme Court of Justice, at Osgoode Hall, Toronto. 55 V. c. 39, s. 54 (3); 58 V. c. 34, s. 6 (13).

The Ontario Insurance Act, 1897.

In the High Court of Justice, Division.

Form of affidavit.

In the matter of (*name of the corporation*) an unregistered insurance corporation and the application of C. D., interim receiver, bearing date the day of 18 .

I, C. D., by virtue of *The Ontario Insurance Act, 1897*, interim receiver for the (*naming the corporation*), make oath and say:

1. That the (*naming the corporation*) ceased to be registered under *The Ontario Insurance Act, 1897*, on the day of 18 , and that thereupon by virtue of the said Act I became interim receiver for the said corporation.

2. That when the said corporation so ceased to be registered, I held therein the office of treasurer (*or as the case may be*) and that as such officer I had in my custody, possession or power the funds (*or if a corporation having funds separate and distinct from the funds of the insurance branch, then say* insurance funds) of the corporation.

3. That all the moneys and securities for money in my custody, posession or power when the said corporation ceased to be registered or subsequently and up to the time of making deposit in the bank as required by the said Act, are fully and truly set out in the schedule A to this my affidavit; also that the said deposit thereof is correctly vouched for by the bank's receipt hereto annexed.

4. That the other assets of the said corporation, including moneys or securities for money that have come into my charge, custody, possession or power since the time of making the said deposit are fully and truly set out in the schedule B to this my affidavit.

5. That as treasurer (*or other officer as the case may be*) of the said corporation, I gave securities for the faithful performance of my duties to the corporation as follows:—

(*Here specify the securities given; if bonds, give names and addresses of the sureties and the sums in which they are severally bound.*

6. That the said securities are still in force and are now in the custody, possession or power of (*here give the name and address of the custodian or bailee*).

7. That I have filed herewith an application in the Master's office, praying the Court to confirm me in my office as receiver (*or* to discharge me of my office as receiver, *as the case may be*), and that the following are the material facts in support of the said application (*here state shortly the material facts*.

Sworn at
this day of 18 . } Signature-)
before me, etc.

55 V. c. 39, s. 54 (3).

(4) Such affidavit may be sworn to before any person duly authorized to administer oaths in any legal proceeding. 55 V. c. 39, s. 54 (4).

Before whom the affidavit may be sworn.

(5) Until the interim receiver is discharged of his office, or until new securities are taken from him by order of the Court, the securities given by him to the corporation and in force at the cesser of registry, shall continue in as full force and validity as if the corporation had continued to be registered. 55 V. c. 39, s. 54 (5).

Securities previously given by receiver to remain in force.

(6) On the filing of the documents specified in this section the Master shall issue to the interim receiver his certificate of the filing, and shall issue his order to the person or persons having in his or their charge, custody, possession or power the securities mentioned in the next preceding subsection, to deliver the same forthwith at the Master's office to be filed, and on any refusal, neglect or delay to obey the order, such person or persons shall be liable to be committed for contempt of court as provided in section 187. 55 V. c. 39, s. 54 (6).

The Master to issue his certificate of the filing and call in the securities.

Non-delivery punishable as a contempt.

(7) If no such securities as mentioned in sub-section 5, or if the existing securities are not in the opinion of the Master satisfactory or sufficient, the Master may order the interim receiver within a time limited to give securities or to give other or additional securities; and on the interim receiver's default of compliance, the Master may remove him and appoint another interim receiver. 55 V. c. 39, s. 54 (7).

Where no securities exist, or the securities are not satisfactory or sufficient.

(8) The Master may accept as the receiver's security the bond of any guarantee company duly registered under this Act. 55 V. c. 39, s. 56 (3).

Guarantee company's bond as security.

(9) The bonds, guarantee policies or other securities of every receiver under this Act are to be made to the Insurance Registrar, and when approved by the Master, are to be transferred to the Insurance Registrar to be deposited and remain in the same custody as securities deposited by insurance companies under this Act. 58 V. c. 34, s. 6 (14).

Bonds, etc., of receiver to be made to Insurance Registrar.

(10) For the purposes of holding the securities of receiver, and all estate therein, to the use of the unregistered corporation, the Insurance Registrar shall be a corporate sole, by the name of "Insurance Registrar for Ontario," and the said

Insurance Registrar to be corporation sole, for purposes of holding receivers' securities.

Registrar as such corporation sole, shall have perpetual succession, and may sue and be sued, may plead and be impleaded in any of Her Majesty's Courts in this Province. 58 V. c. 34 s. 6 (14).

Receivers' securities heretofore made.

(11) All securities heretofore made under this Act to any person or persons, other than the Insurance Registrar and in force at the passing of this subsection, shall forthwith be assigned and transferred to the Insurance Registrar, to be deposited and remain in the same custody as prescribed by subsection 9 of this section. 58 V. c. 34, s. 6 (14).

Place and time to be appointed for hearing application.

189.—(1) The Master in and by the certificate of filing mentioned in sub-section 6 of section 188, or by *ex parte* order or otherwise, may appoint a place and a time, such time being not less than twenty-one days from the date of the certificate or order, at which time he will hear the application of the interim receiver and will confirm the interim receiver in his office, or appoint another receiver, or make such other disposition of the matter as shall appear proper. 55 V. c. 39, s. 55 (1).

Public notice of application and of the hearing.

(2) Public notice shall be given by the interim receiver of his application and of the place and time appointed by the Master for the hearing of the same; such notice shall be published in two issues of the *Ontario Gazette*, and once a week for two weeks in a newspaper published in the county where the head office or chief office of the unregistered corporation is situated, and a copy of the notice shall be delivered to the Insurance Registrar at his office, at least ten days before the day appointed for the hearing of the application, and the notice shall be to the following effect:—

The Ontario Insurance Act, 1897.

Form of notice.

In the High Court of Justice Division.

In the matter of the (*naming the corporation*) an unregistered insurance corporation.

TAKE NOTICE that C. D., interim receiver of the said corporation, has filed in the Master's office at an application to be confirmed in his office (*or* to be discharged of his office) as receiver, and that the Master has appointed (*place, day and hour*) for the hearing of the said application, at which place and time the Master will make such disposition of the matter as shall appear proper.

Dated at the C.D.

day of 18 .

55 V. c. 39, s. 55 (2).

On default of interim receiver Master may appoint another.

190.—(1) If the person or persons made interim receiver by this Act or by order hereunder, fail to comply with the provisions of section 187 within eight days after becoming interim receiver, then the Insurance Registrar or any policy holder, or certificate holder, or any claimant or creditor may on motion, supported by an affidavit declaring the facts, move the Master to issue his certificate of default, and may by the same or subsequent notion, move the Master to appoint an interim receiver,

and to appoint a place and time for confirming such interim receiver in his office, or for disposing of the matter otherwise, and upon such motion or motions the Master may issue his certificate of default, and may appoint an interim receiver, and make such further order or orders as seem necessary or expedient for securing the property of the corporation. 55 V, c. 39, s. 57 (1)

Duties of new interim receiver.

(2) An interim receiver appointed by the Master shall under the direction of the Master, take immediate possession of the moneys and securities for moneys of the corporation, and shall thereafter perform all the duties required of an interim receiver by this Act, and on default of performance shall be liable to the penalties imposed by this Act. 55 V. c. 39, s. 57 (2).

Proceedings on default of compliance.

(3) On any non-compliance by an interim receiver or by any officer, agent or employee of the corporation with any provision of sections 187 and 188 or with any order made, or summons or direction issued by the Master under this Act, then upon motion as enacted in sub-section 1 of this section, any of the persons therein mentioned may move the Master to issue his certificate of the default, and his certificate shall be conclusive evidence of such default for purposes of any proceedings taken by any of such persons, under sections 187 and 188, or under subsection 5 of this section. 55 V. c. 39, s. 58 (1).

Motion to commit.

(4) A motion to commit such defaulter may on two clear days' notice be made before a Judge of the High Court in Chambers. 55 V. c. 39, s. 58 (2).

(5) If any person or persons made interim receiver by this Act or by order hereunder, receive from the Insurance Registrar notice under his hand and the seal of his office directing such person or persons to comply with the provisions of section 187, or of section 188, and if the person or persons so notified shall not within ten days after the notice delivered comply accordingly, such person or persons shall each and every of them be guilty of an offence, and upon summary conviction thereof before any police magistrate or justice of the peace having jurisdiction where the offence was committed, be liable to a penalty not exceeding $500 and costs and not less than $100 and costs, and in default of payment the offender shall be imprisoned with or without hard labour for a term not exceeding three months and not less than one month; and, on a second or any subsequent conviction, he shall be imprisoned with hard labour for a term not exceeding twelve months and not less than three months. 55 V. c. 39, s. 59 (1).

(6) All the provisions contained in sub-sections 3, 4 and 6 of section 85 shall apply equally in the case of an offence committed under this section. 55 V. c. 39, s. 59, (2).

(7) The provisions contained in section 74 shall apply equally to evidence in any cause, matter, proceeding or trial, arising under or out of this section. 55 V. c. 39, s. 59 (3).

Disposal of application by Master.

191.—(1) At the place and time appointed for hearing the application mentioned in section 188 the Master may confirm the interim receiver in or discharge him of his office, and may appoint another person to be receiver, or with the consent in writing of the Insurance Registrar, may then or afterwards dispense with a receiver, and generally, may make then or afterwards, such disposition of the matter as will best expedite the beneficial realization of the assets, the discharge of the liabilities, and the distribution of the surplus among the persons entitled. Provided that, where there is no receiver, the procedure shall, as nearly as may be, conform to the procedure herein prescribed for winding up with a receiver; and the assets shall be realized and distributed by or under the direction of the Master among the persons entitled thereto, in the same way, as nearly as may be, as if the distribution were being made by the receiver; a Judge of the High Court may make an order directing how the books, accounts and documents of the corporation and of the receiver are to be disposed of, and may order that they be deposited in Court, or otherwise dealt with as may be thought fit. Provided also that in any case there shall not be more than one receiver at any one time, except with the consent in writing of the Insurance Registrar. 55 V. c. 39, s. 56 (1); 58 V. c. 34, s. 7 (1).

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Trusts company as receiver.

(2) The Master may appoint as receiver any trusts company approved by the Lieutenant-Governor in Council and accepted by the High Court as a trusts company. 55 V. c. 39, s. 56 (4).

Powers of the Master.

(3) Subject to the provisions hereinafter contained, the Master shall decide upon the security or securities to be given by the receiver, upon the mode and amount of his compensation; shall fix the times for the submission and passing of his accounts; shall settle advertisements deemed to be necessary; shall determine what persons are entitled to notice of any matter or proceeding, and the time, mode and form of notice to be given; shall settle and determine lists of the debtors and the contributories and the amounts which they are respectively liable to pay and contribute to the assets of the estate; and shall also settle and determine the claims of creditors, and the amounts to which they are respectively entitled, and all matters of set-off affecting or alleged to affect such debts, contributions or claims; shall direct the realization of assets, the discharge of liabilities and the distribution of the surplus; and shall make such orders and issue such directions as shall best effectuate the provisions of this Act; and generally shall have all the powers which might be exercised on any reference to him under a judgment or order of the High Court. Orders and certificates made by the Master under this Act, shall be appealable to a Judge of the High Court in like manner as other orders and certificates of the Master, and so far as not inconsistent with the provisions of this Act, the rules of the Supreme Court of Judicature shall apply to all proceedings under this Act. 55 V. c. 39, s. 56 (2) (5) (6); 58 V. c. 34, s. 7 (2).

Appeal from Master's decision.

Consolidated rules to apply.

(4) In fixing the receiver's remuneration his efficiency and expedition in winding up shall be considered; in no case shall the winding up be prolonged beyond the space of one year from the commencement, except for special and urgent cause shown to the satisfaction of the Insurance Registrar, and when prolonged beyond the said period for such cause so shown the Insurance Registrar by a consent in writing shall limit a day for the final closing of the books and accounts of the estate. Where the creditors are subjected to delay or the estate to expense by any want of care, diligence or efficiency in the receiver, the Master or a Judge in Chambers on an appeal from the Master, on motion of the Insurance Registrar or of any creditor, contributory or other person interested in the estate may impose a fine on the receiver of not less than $20 nor more than $200 and costs, which thereupon shall be deemed to be a debt adjudged due from the receiver to the estate, and execution may issue forthwith or the amount may be charged against any remuneration already earned by but not yet paid to the receiver. 58 V. c. 34, s. 7 (2).

Remuneration of receiver.

Duration of winding up.

Laches of receiver.

(5) "Under the direction of the Master the receiver shall as far as practicable, act personally in all matters relating to the estate, shall attend on correspondence, give notices, file or copy documents, prepare schedules, make calls on persons found or adjudged subject thereto, and shall personally perform such other duties and services in the receivership as shall from time to time be proper and necessary in the business of the receivership; and no costs shall be paid or allowed for the performance of duties or services which properly devolve upon the receiver personally, either within the intent of this Act or by virtue of any law or practice relating to receivers in force in Ontario. 58 V. c. 34, s. 7 (3).

Receiver to act personally as far as practicable.

192.—(1) The advertisement for or notice to creditors or claimants shall be to the effect of the form in Schedule B. hereto. 58 V. c. 34, s. 7 (3).

Form of advertisement for creditors.

(2) Upon the evidence mentioned in sub-section 10 of section 74 of this Act, (unless upon error shown to the satisfaction of the Master), and without the creditor or claimant filing further or other proof or making any formal claim or giving notice, the receiver shall prepare each in duplicate the three several schedules next hereinafter mentioned with the amount for which or having relation to which each creditor or claimant appears entitled to rank on the assets. Upon the said several amounts being verified to the satisfaction of the Master, and in the absence of contestation by any person interested, or party, the creditor or claimant shall be collocated and ranked accordingly. 58 V. c. 34, s. 7 (3).

Certain claims to be collocated without other proof than company's books, etc.

Three schedules of claimants to be prepared.

(3) The first of the said three schedules may be described as the *Schedule of Preferred Creditors* This schedule shall include the names, addresses and descriptions of the persons mentioned in sub-section 7 of section 196 hereof, together with

Schedule of preferred creditors.

the total amount to which, on the aforesaid evidence, (particular reference being made to the book and page, or as the case may be) the said persons are severally entitled, together also with the amount in respect of which they are severally entitled to rank as preferred creditors. 58 V. c. 34, s. 7 (3).

Schedule of ordinary creditors.

(4) The second of the said schedules may be described as the *Schedule of Ordinary Creditors*. The schedule shall include those preferred creditors who, in respect of an unpreferred residue, are entitled to rank as ordinary creditors and the amount in each case of such residue; also all creditors entitled to claim under policies matured before the commencement of winding up, or under policies having at that date a fixed surrender value, or under policies unmatured at the commencement of the winding up, but secured by deposit under this Act, together with the following particulars in the case of each policy, viz.: The number and description of the policy, the date of issue (and in the case of any life insurance policies the age of the assured at date of issue) the name and address of the assured, and of his assignee, if any, the amount for which the policy was issued and the value of the policy or of the unearned premiums, as the case may be, taken as at the commencement of the winding up, and in the case of policies issued for a term of years, the date of the expiry of the term. The said second schedule shall further include particulars of the several obligations other than policies issued by the corporation and outstanding at the commencement of winding up, with the names of the obligees and payees, and the value of the said obligations taken as at that date, and shall also include the names and addresses, so far as known, of all other persons entitled to rank upon the assets not being persons and claims falling within the scope of the first and third of these schedules. 58 V. c. 34, s. 7 (3).

Schedule of the unmatured and unsecured policies.

(5) The said third schedule may be described as the Schedule of *Unmatured and Unsecured Policies*. This schedule shall include all policies in force at the commencement of winding up, but not falling within the scope of the said second schedule, and shall furnish the like particulars as therein mentioned, except as to the value of the policy, and shall further show the aggregate of the contributions made by the assured to the reserve or surplus fund, if any, of the corporation; and in any distribution of any surplus assets the distributive share under any policy shall be proportionate to the said aggregate of contributions by the assured, with or without interest thereon, as the Master under the circumstances shall deem to be just;

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Provided that when the registry of the corporation was cancelled for insolvency or impending insolvency, or where the Master is of opinion that the assets of the estate are insufficient or not more than sufficient to pay in full the claims entitled to be ranked in the said first and second schedules, the Master may dispense with the preparation of the said third schedule. 58 V. c. 34, s. 7 (3).

(6) As soon as may be after the commencement of the winding up the receiver shall prepare *Schedules of Debtors and Contributories*. The *Schedule of Debtors* shall show the names and addresses (so far as the addresses can be ascertained) of all persons actually indebted to the estate or against whom the estate holds obligations or accounts accruing due with particulars of the same, and of the securities if any held by the estate, reference being in every case made to the books, or other evidentiary matter in the hands of the estate. *The Schedule of Contributories* shall show the names and addresses (so far as the addresses can be ascertained) of all members of the corporation and persons who are subject to call, or otherwise liable to contribute to the assets of the estate, and the extent of such liability, giving the like reference to evidence. 58 V. c. 34, s. 7 (3). Schedules of debtors and creditors.

(7) The several schedules in this sub section mentioned shall be prepared by the receiver in triplicate; one of the triplicates verified by his oath shall be filed in the Master's office; another shall be delivered to the Insurance Registrar; and the third shall be kept in the receiver's office, and made accessible on demand to all persons interested in the estate. 58 V. c. 34, s. 7 (3).

193.—(1) After the expiration of the time limited by the advertisement for creditors or notice to claiments, the Master shall then proceed without delay to settle and determine the list of creditors and the claims of alleged creditors, and the amounts to which those persons by him adjudged to be creditors are respectively entitled; also to settle and determine the lists of debtors and contributories and the amounts they severally are liable to pay or contribute to the assets of the corporation; also to settle and determine all matters of set-off affecting or alleged to affect such claims against, or debts or contributions to the estate. The Master shall have authority to disallow and exclude all claims of which notice was not given within the time limited; and thereafter he shall report directing a distribution of the assets among the persons entitled thereto, having regard only to the claims of which the receiver had notice within the time limited; but it shall also be competent for the Master to make an interim report or reports whenever deemed advisable; and, when deemed necessary, to direct the payment of an interim dividend or interim dividends. It shall not be necessary or advisable to procure an order for the payment out of court of any dividend declared by the Master's report, after the said report becomes absolute or confirmed by lapse of time or is affirmed on final appeal as the case may be. Such payment out shall be made by the Accountant of the Supreme Court of Judicature upon the production of the report with a certificate by the said Master, certifying the date of the filing and that the said report has become absolute, or has been affirmed on final appeal as the case may be. 58 V. c. 34, s. 7 (3). Procedure after expiry of the time limited for claims.

Inquiry into misfeasances and defaults of directors, etc.

(2) Where, in the course of winding up a corporation under this Act, it appears to the Master or to the Insurance Registrar that any past or present trustee, auditor, director, manager, officer, official, receiver or liquidator of the corporation has misapplied or retained in his own hands or become liable or accountable for any money, assets, or property of the corporation, or has been guilty of any misfeasance or breach of trust or duty in relation to the corporation, or whose conduct in the management of the affairs of the corporation has been such as in the opinion of the Insurance Registrar to require investigation, the Master, on the application of the Insurance Registrar, and after at least ten days' notice served on the person or on the several persons whose conduct or dealings are to be investigated, shall, and is hereby authorized and empowered, notwithstanding that the offence is one for which the offender is criminally responsible, to examine into the conduct and dealings of the said person or persons, and report to the court his conclusions upon the evidence; and where the Master by his report finds as a fact that such default or misfeasance has been committed, and ascertains the loss to the estate thereby, and ascertains the person or persons who committed the act or acts of default or misfeasance, or breach of trust or duty, the Master by his report may direct the said person or persons severally or jointly, or jointly and severally to pay to the estate a certain sum or sums of money with or without interest, and with costs if any, occasioned by the default, misfeasance or breach of trust or duty, or the Master may by his report disallow any account that such defaulter or misfeasant may have for his services or salary, and the report of the Master when made shall be subject to the provisions of this Act as to filing, confirmation and enforcement. 56 V. c. 34, s. 7 (3).

Filing of Master's report and notice of filing.

194.—(1) Where any report is made by the Master, he shall deliver out his report to the receiver, and the receiver shall forthwith file the same in the Master's office, or if the matter or proceeding is in Toronto, or the county of York, then in the proper office at Osgoode Hall; and thereupon in the *Ontario Gazette* and in a newspaper issued at or nearest the place where the head office of the unregistered corporation is situate, the receiver shall give notice of the date of filing; the receiver shall also forthwith deliver a copy of the report to the Insurance Registrar and notice of the day of filing; the receiver shall also keep in his own office a copy of the report endorsed with the date of filing, and make the same accessible on demand to all persons interested in the estate. 58 V. c. 34, s. 7 (3).

Effect of report becoming absolute.

(2) Upon any report of the Master (or the said report as amended on appeal, if any) becoming absolute under the rules of the Court, every person ascertained by the report to be indebted in a specified sum to the estate of the corporation

shall *ipso facto* and without further proceedings, and as after final judgment be deemed and be debtor to estate in the sum specified, and thereafter the Master may under his hand certify that by his report dated and filed in on the day of 18 (*supplying the necessary particulars*) the person or persons named in the certificate has or have been found indebted to the estate of the unregistered corporation (naming it) in the sum of $ with $ interest (if any) and $ costs (if any). 58 V. c. 34, s. 7 (3).

Fee.

A fee of 25 cents shall be payable to a Local Master in respect of each certificate under this subsection.

Transcript of judgment.

(3) The receiver or the Insurance Registrar thereupon by precipe or requisition directed to the clerk of any Division Court or County Court, or to the proper registrar or his deputy in the High Court, may require the said certificate to be entered as a judgment of the Court, and thereupon it shall be entered accordingly, and thereafter the receiver or the Insurance Registrar may take any proceedings or process for the enforcing and collecting judgment that could be had or taken for the like purpose upon any judgment of the said Court.

General writ of execution within county.

(4) When the Master finds that certain contributeries or other persons liable to pay to the estate any sum of money damages or costs, reside within the county or bailiwick of any sheriff he may direct one writ of execution to issue, commanding the sheriff to execute the said writ against the goods and chattels or lands and tenements of each of the persons named therein in respect of the sum of money, damages or costs specified as payable by each of the said persons respectively, and thereupon the sheriff shall proceed to execute the said writ of execution as he would if separate writs of execution for the sum of money, damages or costs has been issued against each of the said persons respectively. 58 V., c. 34, s. 7 (3).

Purchase of assets by officers, etc., prohibited.

(5) Any purchase of assets of the unregistered or liquidating corporation, or of any member's right to rank on the assets, or of a member's dividend by any person directing, managing, auditing, or employed by the corporation within three years next before receivership or liquidation, or any such purchase by any receiver, or liquidator or inspector of the estate is hereby absolutely prohibited, and any pretended purchase or assignment such as aforesaid shall be utterly void. This subsection shall apply also to any winding up of an insurance corporation under chapter 183 of the Revised Statutes of Ontario, 1887, or under any other Act of the Province.

Books, etc., of receiver to be accessible to Insurance Registrar.

195.—(1) The books, financial statements, schedules, accounts and vouchers of every receiver under this Act shall be accessible to the Insurance Registrar, or to any person authorized under his hand and seal, as enacted by section 82 , and if

any receiver refuses or neglects to afford such access, or if he makes a wilfully false statement or untrue entry, he shall be guilty of an offence as against sub-section 5 of section 83, all the provisions of which sub-section shall equally apply in the case of an offence committed against this sub-section. 55 V. c. 39, s. 56 (7); 58 V. c. 34, s. 7 (4).

Receiver to deposit moneys in bank.

(2) Unless and until otherwise ordered by the court, the receiver shall forthwith deposit in the bank prescribed by sub-section 3 of section 187, to the credit of the unregistered insurance corporation all moneys by him from time to time received, and, ten days before the day appointed for the passing or taxation of any account, or bill of costs, he shall deliver a certified copy of the account, or bill of costs to the Insurance Registrar at his office and obtain his receipt therefor: and within five days after the passing or taxation of any account or bill of costs, the receiver shall in like manner deliver to the Insurance Registrar a certified copy of the account of bill of costs as passed or taxed. A duplicate of the account or bill of costs to be passed or taxed shall by the person rendering the same be supplied without charge to the receiver to be by him certified and delivered to the Insurance Registrar. 55 V. c. 39, s. 56 (8); 58 V. c. 34, s. 7 (5).

Default of receiver in leaving or passing accounts, etc.

(3) In case of default by any receiver in leaving or passing any account, or in making any deposit or payment, or of laches or negligence in performing any other duty devolving upon the receiver by virtue of his office under this Act, or of an order or direction of the court, the Master either without motion, or on motion by the Insurance Registrar or any person interested, may deal with the receiver as provided in Consolidated Rule 123, or may remove the receiver and appoint another, or make such other order as shall best effectuate the purposes of this Act. 55 V. c. 39, s. 56 (9).

Insurance Registrar a party.

(4) Where any insurance corporation, company, society or association is being wound up either under this Act, or under chapter 183 of the Revised Statutes of Ontario, 1887, or other Act of the Province, the Insurance Registrar shall be a competent party for commencing or prosecuting any action, matter or proceeding relative to the estate of the corporation, or to a receiver or liquidator thereof, or to the sureties of or securities given by either: and to every such action, matter or proceeding otherwise taken, commenced or prosecuted and to every taxation, retaxation, review or revision of costs affecting the estate, the Insurance Registrar shall be a competent and necessary party. 58 V. c. 34, s. 7 (6).

High Court vacations not to apply to proceedings under sections 184 to 196.

(5) Vacations in the High Court shall not apply to proceedings under sections 184 to 196 of this Act: and any proceedings, reports or appeals under the said sections may be brought, made and carried on in such vacations.

196.—(1) Except by consent in writing of the Insurance Registrar no counsel or solicitor shall be employed to act for the receiver or others at the expense of the unregistered corporation or of its funds or estate. 58 V. c. 34, s. 8. Employment of counsel or solicitor by receiver.

(2) A minute entered on the Master's book shall have the same force as a formal order or direction; and except in special cases, no costs shall be allowed for attening on or taking out a formal order or direction. A copy of any minute certified under the hand of the Master shall be competent evidence thereof, and for every such certificate a fee of 50 cents shall be payable. 58 V. c. 34, s. 7 (3). Minute on Master's book to have force of formal order or direction.

(3) The Local Master or other local officer after taxing any bill of costs payable wholly or in part out of the estate shall forthwith transmit the same for revision to the proper taxing officer at Toronto, as directed by the Consolidated Rules of Practice in the case of bills of costs in actions where the amount is to be paid out of a fund in court, all of which said rules shall, where not inconsistent with this Act, equally apply to the costs of all matters and proceedings in any receivership, liquidation, or winding up under this Act as to the costs in actions or proceedings where the amount is to be paid out of a fund in court. 58 V. c. 34, s. 8. Revision of taxed costs.

(4) The costs of any matter or proceeding in the Master's office under this Act shall be on the County Court Scale. Costs in Master's office to be on County Court scale.

(5) The taxed costs of any action, matter or proceeding taken by the Insurance Registrar, or by the receiver with the written consent of the Insurance Registrar, shall be paid out of the funds or estate of the corporation: but, except with the said consent, no costs shall be allowed out of the estate for separate, or other representation of members or certificate holders of the corporation or for the representation of any class of members or certificate holders; the costs of all other actions, matters, or proceedings shall be in the discretion of the Court. Cf. 58 V. c. 34, s. 8. Costs of proceedings in winding up.

(6) All costs charged and expenses properly incurred in the receivership and winding up of the corporation, including the remuneration of the receiver, shall be payable out of the assets of the corporation in priority to all other claims. 58 V.c. 34, s. 8. Costs of winding up to be first charge on estate

(7) Subject to the foregoing provisions, the Master in distributing the assets of the corporation under this Act, shall pay in priority to the claims of the ordinary or general creditors, the salary or wages of all clerks and wage-earners in the employment of the corporation due at the date when the corporation became unregistered or within one month before, not exceeding three months' salary or wages, and such persons shall be entitled to rank as ordinary or general creditors for the residue of their claims. 58 V. c. 34, s. 8. Clerks and wage-earners to be preferred creditors.

FEES.

Fees payable to Provincial Treasurer.

197. The fees by this section prescribed shall be payable to the Provincial Treasurer of Ontario, who shall cause to be delivered to the person making the payment a receipt in duplicate therefore. 55 Vic. c. 39, s. 62.

FOR INCORPORATION JOINT STOCK COMPANIES.

Time of payment.

In the case of an application or other document or instrument to be filed, examined or deposited, the fees shall be paid and the duplicate of the Provincial Treasury receipt therefor shall be delivered to the Insurance Registrar before the application, or other document or instrument is considered; in the case of registry of certificates of registry the fee shall be payable before the corporation is registered.

Fees for incorporation of joint stock companies.

The fees for incorporation of joint stock companies under this Act shall be as prescribed by the Lieutenant-Governor in Council by order made in that behalf.

I. Provincial licensees.

Division I.—Insurance Companies Licensed by the Province

1. For recording and filing the documents required by sections 3, 17	$10 00
2. For filing power of Attorney under sections 66, 67..	5 00
Application for change of name or of head office	10 00
3. For initial license to do business :—	
Joint Stock Company	100 00
Cash Mutual Company	50 00
Mutual	25 00
4. For each annual renewal of license :—	
Joint Stock Company	50 00
Cash Mutual Company	25. 00
Mutual	5 00
5. For each supplementary license :—	
Initial	20 00
Renewal	10 00
6. For filing annual statements :—	
Joint Stock Company	5 00
Cash Mutual Company	5 00

R. S. O. 1887, c. 167, s. 63.

II. Corporations constituted by the Province.

Division II.—Corporation Constituted by the Province.

Ontario licensees.

1. Inasmuch as insurance corporations licensed by the Province are under the provisions of this Act required to pay annually to the Province license fees and an assesment, the

said corporations shall without application and without additional charge be entitled to be entitled to be registered under this Act. 55 Vic. c. 39' s. 62 (1).

(2) In the case of Ontario corporations registered or applying for registry on the Friendly Society Register, the fees shall be as follows:— Friendly Societies incorporated by Ontario.

A.—Corporations or incorporated branches having in Ontario 500 members or less:

(*a*) Application for initial registry	$ 2 00
(*b*) Extension of time for making application	2 00
(*c*) Certificate of registry, original or renewed	3 00
(*d*) Interim certificates or extension of certificates	2 00
(*e*) Revivor of registry after suspension	2 00
(*f*) Change of name or of head office	4 00

55 V. c. 39, s, 62; 57 V. c. 48, s. 2 (3).

B.—Corporations or incorporated branches having in Ontario over 500 and not more than 1,500 members:

(*a*) Application for initial registry	$ 3 00
(*b*) Extension of time for making application	3 00
(*c*) Certificate of registry, original or renewed	10 00
(*d*) Interim certificate, or extension of certificate	3 00
(*e*) Revivor of registry after suspension	6 00
(*f*) Change of name or of head office	6 00

C.—Corporations or incorporated branches having in Ontario over 1,500 and not more than 2,500 members:

(*a*) Application for initial registry	$ 4 00
(*b*) Extension of time for making application	4 00
(*c*) Certificate of registry, original or renewed	15 00
(*d*) Interim certificate, or extension of certificate	4 00
(*e*) Revivor of registry after suspension	8 00
(*f*) Change of name or of head office	8 00

D.—Corporations or incorporated branches having in Ontario more than 2,500 members:

(*a*) Application for initial registry	$ 5 00
(*b*) Extension of time for making application	5 00
(*c*) Certificate of registry, original or renewed	25 00
(*d*) Interim certificate or extension of certificate	5 00
(*e*) Revivor of registry after suspension	10 00
(*f*) Change of name or of head office	10 00

55 V. c. 39, s. 62.

Division III.—Corporations deriving their powers from an Act of Canada or from a document of authorization issued under The Insurance Act of Canada. III. Corporations empowered by Acts of Canada.

1. In the case of corporations deriving their powers from a license or document of authorization issued under *The* Licensees.

R. S. C. c. 124.

Insurance Act of Canada, except corporations included in section 38 thereof, the fees shall be as follows:

(*a*) Application for initial registry	$ 5 00
(*b*) Extension of time for making application	2 00
(*c*) Filing power of attorney in case of extra-Provincial corporations	5 00
(*d*) Filing change of power of attorney	5 00
(*e*) Certificate of registry, original or renewed	150 00
(*f*) Interim certificate of registry, or extension of certificate	5 00
(*g*) Revivor of registry after suspension	25 00

Corporations empowered under R. S. C. c. 124, s. 38.

2. In the case of corporations empowered under section 38 of *The Insurance Act of Canada*, the fees shall be as follows:—

(*a*) Application for initial registry	$5 00
(*b*) Extension of time for making application	2 00
(*c*) Filing power of attorney in case of extra-provincial corporations	5 00
(*d*) Filing change of power of attorney	5 00
(*e*) Certificate of registry, original or renewed	100 00
(*f*) Interim certificate of registry, or extension of certificate	5 00
(*g*) Revivor of registry after suspension	20 00

Ocean marine insurance.

(3) In the case of corporations, companies, insurers or underwriters undertaking or transacting ocean marine insurance only, and also in case of corporations, companies, insurers and underwriters within the intent of section 3 (*a*) or section 32 of *The Insurance Act of Canada* found admissible to registry under this Act, the fee for certificate of registry, whether original or renewed shall be $10.00. 55 V. c. 39, s. 62: 56 V. c. 32, s. 10 (16).

R. S. C., c. 124.

Corporations empowered by sundry other Acts of Canada.

(4) In the case of corporations mentioned in subsections 2, 4 and 5 of section 60 of this Act, the fees shall be as in subsection 3 A of *Division I.* of this section.

Trades Union insurance societies.

(5) In the case of the corporations mentioned in subsection 3 of section 60 of this Act, the fees shall be as follows:—

(*a*) Application for initial registry	$2 00
(*b*) Extension of time for making application	1 00
(*c*) Filing power of attorney in extra-provincial corporations	2 00
(*d*) Filing change of power of attorney	2 00
(*e*) Certificate of registry, original or renewed	3 00
(*f*) Interim certificate of registry, or extension of certificate	2 00
(*g*) Revivor of registry after suspension	3 00

55 V. c. 39, s. 62; 58 V. c. 34, s. 9.

IV. Friendly Societies not included in either of the foregoing Divisions.

IV. Foreign friendly societies.

In the case of extra-Provincial friendly societies, the fees shall be in respect of powers of attorney as enacted in subdivision 1 of *Division III.* and in other respects shall be as in subdivision 3 D of *Division II.* of this section. 55 V. c. 39, s. 62. 56 V. c. 32, s. 10 (16).

Provided, that when the fee for any term of registry under any division of this section exceeds $10, the fee payable for a certificate covering a period of six months or under shall be one-half of the fee payable for the full term. 58 V. c. 34, s. 9. Proviso.

Division V. Miscellaneous.

V. Miscellaneous.

Office copy of decision of Insurance Registrar	$1 00
Certified copy of certificate of registry	1 00
Certified copy of entry on register	50
Copies of or extracts from documents filed with or issued by the insurance registrar per folio of 100 words	10

Certificate of exemption from registry, $1.00; filing of certificate of incorporation or any other separate document required by this Act to be filed in the office of the Provincial Registrar, $1.00. 55 V. c. 39, s. 62; 56 V. c. 32, s. 10 (16).

198.—(1) The several Acts and parts of Acts specified in Schedule C to this Act are hereby repealed.

(2) All Acts or parts of Acts inconsistent with this Act are hereby repealed.

(3) Subsection 17 of section 114 of chapter 167 of the Revised Statutes of Ontario, 1887, shall, notwithstanding anything herein contained, apply to contracts of insurance in force at the passing of this Act.

SCHEDULE A.

(Referred to in Section 60 (6).)

ge at entry.	Net level Premium for all-life insurance of $1,000.			
	Yearly, in advance.	Half-yearly, in advance.	Quarterly, in advance.	Monthly, in advance.
	$	$	$	$
18	9.86	5.00	2 51	.84
19	10.20	5.18	2.60	.87
20	10.55	5.36	2 69	.90
21	10.91	5.53	2.78	.93
22	11.28	5.71	2.87	.96
23	11.66	5.89	2.96	.99
24	12.03	6.07	3.05	1.02
25	12.42	6 25	3 14	1.05
26	12.76	6.43	3.23	1 08
27	13.12	6 60	3.32	1.11
28	13.49	6.78	3.41	1.14
29	13.87	7.02	3.53	1.18
30	14.31	7.20	3.62	1.21
31	14.76	7.44	3.74	1.25
32	15.22	7.68	3.86	1.29
33	15.73	7.91	3.98	1.33
34	16.25	8.21	4.13	1.38
35	16.82	8.51	4.28	1.43
36	17.42	8.81	4.43	1.48
37	18.05	9.10	4.57	1.53
38	18.71	9.46	4.75	1.59
39	19.42	9.82	4.93	1.65
40	20.18	10.17	5.11	1.71
41	20.97	10.59	5.32	1.78
42	21.81	11.01	5.53	1.85
43	22.70	11.48	5.77	1.93
44	23.65	11.96	6.01	2.01
45	24.66	12.44	6.25	2.09
46	25.72	12.97	6.52	2.18
47	27.31	13.80	6.94	2.32
48	28.10	14.16	7.12	2 38
49	29.36	14.82	7.45	2.49
50	30.72	15.53	7.80	2.61
51	32.17	16.24	8.16	2.73
52	33.71	17.02	8.55	2.86
53	35.34	17.85	8.97	3.00
54	37.07	18.74	9.42	3.15
55	38.94	19.64	9.87	3.30

SCHEDULE B.

Referred to in Section 192 (1).

ONTARIO INSURANCE ACT, 1897.

In the High Court of Justice, Division.

In the matter of , an unregistered insurance corporation.

Pursuant to the judgment and direction of the Insurance Registrar herein, dated the day of , 18 , revoking and cancelling the registration of the aboved named corporation (*or as the case may be*).

The creditors and person (others than holders of unmatured policies or certificates of the corporation) having claims against the said corporation are, on or before the day of , 18 , to deliver or send by post, prepaid, to , of , the Receiver of the above mentioned corporation, an affidavit showing their Christian names and surnames ,addresses and descriptions, the full particulars of their claims, a statement of their accounts and the nature of the security, if any, held by them; or, in default thereof, they will be peremptorily excluded from the benefit of the said judgment and direction, and from all share in the assets of the estate; and the said creditors and claimants, if so required by notice in writing from the said Receiver, are to come in and prove their debts and claims and produce their securities, if any, before me at my chambers at , on the day of , 18 , at o'clock in the noon, being the time appointed for hearing and adjudicating upon debts and claims; or, in default thereof, they will be excluded from the benefit of any distribution of assets.

The status and rights of persons interested under unmatured policies of the corporation shall, in the absence of contestation and without any claim made, be determined by the books and records of the corporation, or of its officers; a schedule showing the said status and rights may be seen in the office of the Receiver at the above address.

Notices and letters respecting the estate or any alleged right or interest therein, are to be addressed to the Receiver as above, and all letters requiring answer are to enclose a stamped and addressed envelope for reply.

Dated this day of , 18 .

Master.

58 V. c. 34, Schedule.

SCHEDULE C.

Referred to in Section 198.

ACTS AND PARTS OF ACTS REPEALED.

Year and Chapter.	Title or Short Title.	Extent of repeal.
1887 R.S.O. c. 136	An Act to secure to wives and children the benefit of Life Insurance	The whole.
1887 R.S.O. c. 167	The Ontario Insurance Act	The whole.
1888 51 V. c. 25.	An Act to amend the Act respecting Insurance Companies	The whole.
1888 51 V. c. 22.	An Act to amend the Act to secure to wives and children the benefit of Life Insurance.	The whole.
1889 52 V. c. 30.	An Act to amend the Act respecting Insurance Companies	The whole.
1889 52 V. c. 31.	An Act to amend The Ontario Insurance Act	The whole.
1889 52 V. c. 32.	An Act respecting Contracts of Life Insurance	The whole.
1890 53 V. c. 39.	An Act respecting Contracts of Life Insurance	The whole.
1890 53 V. c. 44.	An Act to amend The Ontario Insurance Act	The whole.
1891 54 V. c. 37.	An Act to amend The Ontario Insurance Act	The whole.
1892 55 V. c. 39.	The Insurance Corporations Act, 1892	The whole.
1893 56 V. c. 32.	An Act respecting the Insurance Law	The whole.
1894 57 V. c. 48.	An Act respecting Benefit Societies	The whole.
1895 58 V. c. 34.	An Act respecting the Insurance Law	The whole.
1896 59 V. c. 45.	An Act relating to the law of Insurance	The whole.

No. 62.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to consolidate and amend the Acts respecting Insurance.

First Reading, 22nd March, 1897.

Mr. GIBSON,
(Hamilton).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 63] BILL. [1897.

An Act to amend the law respecting the Registration of Vital Statistics.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 7 of the Act passed in the 59th year of Her Majesty's reign, chaptered 17, is repealed, and the following substituted therefor: 59 V. c. 17, s. 7, repealed.

Search of records in office of Registrar-General.

7.—(1) Any person shall be entitled at all reasonable hours, on payment of a fee of 25 cents, and on signing the form of application prescribed by the Registrar-General, to have search made of the records of births, marriages and deaths, kept in the office of the Registrar General.

Issue of certificate.

(2) The Registrar General shall, when requested, issue a certificate regarding the details of any birth, marriage or death, a record of which is in his hands, on payment of 75 cents, which amount shall include the cost of any search relating to the same. Any such certificate shall be *prima facie* evidence in any court in the Province of the facts stated therein.

2. Subsection 4 of section 11 of the said Act is amended by inserting therein after the word "purpose" in the third line the words "stating whether or not any deaths have occurred and if so." 59 V. c. 17, s. 11, subs. 4, amended.

3. Section 14 of the said Act is amended by inserting therein after the word "be" in the 3rd line, the words "omitted or" and by inserting in the 9th line after the words "report the" the words "omission or." 59 V. c. 17, s. 14, amended.

59 V. c. 17, s. 15, amended.

4. Section 15 of the said Act is amended by inserting after the word " nurse " in the 5th line the words " or midwife."

59 V. c. 17, amended.

5. The said Act is further amended by inserting therein after section 20 the following as section 20*a*:

Registration of unregistered marriages.

(20*a*) Where any marriage solemnized in Ontario has not been registered as required by the preceding section, the Registrar General may cause the same to be registered at any time before the expiration of ten years from the solemnization thereof, but not afterwards.

59 V. c. 17, s. 23, repealed.

6. Section 23 of the said Act is repealed and the following substituted therefor:

No burial to take place without certificate.

23.—(1) No removal for burial of the dead body of any person shall take place, and no undertaker, clergyman, sexton, householder or other person, shall engage in the burial of the dead body of any person unless a certificate of registration has been previously obtained to the knowledge of the person so removing or engaging in the burial of the dead body. Provided that when a death has occurred in any township, a certificate of registration from the nearest division registrar shall be sufficient; but such division registrar shall forward the original certificate to the registrar of the division in which the death occurred; and provided, that when the death has taken place out of the Province of Ontario, or in a municipality other than that in which the death is to be registered, a certificate signed by the registrar or other proper officer of the municipality in which the death took place shall be sufficient for burial, and the division registrar of the municipality in which the burial takes place shall, when requested, register the death, and in such case shall note the fact of such prior registration in the column for remarks in the register and schedule.

Proviso.

59 V. c. 17, s. 25, amended.

7. Section 25 of the said Act is amended by inserting therein after the word " house " in the 3rd line, the words " unless a certificate has been given by a coroner."

59 V. c. 17, s. 28, amended.

8. Section 28 of the said Act is repealed and the following substituted therefor:

Penalty for not reporting.

(28) Any person required by this Act to report births, marriages, deaths or burials to the division registrar and who refuses or neglects to do so within the time required, shall, on summary conviction therefor, for every such offence, be liable to a penalty not exceeding $10 and costs, but if a return required by this Act to be made by more than one person, is made by any one of such persons, the other of such persons shall not be liable to any such penalty in respect of his default, and every such prosecution shall be commenced within two years after the time allowed for reporting a birth, marriage, death, or burial.

(28*a*) Any person guilty of any act or omission in violation of any of the provisions of this Act, for which no other penalty is provided, shall be liable on summary conviction therefor, to a penalty of not more than $20 and costs. Penalty for other acts or omissions.

(28*b*) It shall be the duty of the Inspector of Vital Statistics of this Province, upon being notified of any violation of this Act, to make investigation, and where necessary, to institute proceedings against any person guilty of any such offence. Inspector to investigate upon notification.

9. Section 33 of the said Act is repealed, and the following is substituted therefor: 59 V. c. 17, s. 33, repealed.

33. The county records of marriages prepared under the Act passed by the Legislature of the late Province of Canada, in the 20th year of Her Majesty's reign, chaptered 66, and under chapter 72 of the Consolidated Statutes of Upper Canada, or any other Statute of the late Province of Canada or of this Province, and now preserved in the county registry offices, shall, on request, be delivered to the Registrar General, and shall be kept for preservation and reference among the records of his office. County records of marriages to be delivered to Registrar-General.

No. 63.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend the law respecting the Registration of Vital Statistics

First Reading. 22nd March, 1897.

Mr. DAVIS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 63] **BILL.** [1897.

An Act to amend the law respecting the Registration of Vital Statistics.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

59 V. c. 17, s. 7, repealed.

1. Section 7 of the Act passed in the 59th year of Her Majesty's reign, chaptered 17, is repealed, and the following substituted therefor:

Search of records in office of Registrar-General.

7.—(1) Any person shall be entitled at all reasonable hours, on payment of a fee of 25 cents, and on signing the form of application prescribed by the Registrar-General, to have search made of the records of births, marriages and deaths, kept in the office of the Registrar General.

Issue of certificate.

(2) The Registrar General shall, when requested, issue a certificate regarding the details of any birth, marriage or death, a record of which is in his hands, on payment of 75 cents, which amount shall include the cost of any search relating to the same. Any such certificate shall be *prima facie* evidence in any court in the Province of the facts stated therein.

59 V. c. 17, s. 11, subs. 4, amended.

2. Subsection 4 of section 11 of the said Act is amended by inserting therein after the word "purpose" in the *fourth* line the words "stating whether or not any deaths have occurred and if so."

59 V. c. 17, s. 14, amended.

3. Section 14 of the said Act is amended by inserting therein after the word "be" in the 3rd line, the words "omitted or" and by inserting in the *12th* line after the words "report the" the words "omission or."

59 V. c. 17, s. 15, amended.

4. Section 15 of the said Act is amended by inserting after the word "nurse" in the 6th line the words "or midwife."

59 V. c. 17, amended.

5. The said Act is further amended by inserting therein after section 20 the following as section 20*a*:

Registration of unregistered marriages.

(20*a*) Where any marriage solemnized in Ontario has not been registered as required by the preceding section, the Registrar General may cause the same to be registered at any time before the expiration of ten years from the solemnization thereof, but not afterwards.

59 V. c. 17, s. 22, amended.

6. Section 22 of the said Act is amended by striking out the words "or in case there is none to the division registrar," in the 6th line and inserting in lieu thereof the words "and in case there is no such medical health officer, and in case of a death occurring in a township and from a non contagious disease, then direct to the division registrar."

59 V. c. 17, s. 23, repealed.

7. Section 23 of the said Act is repealed and the following substituted therefor:

No burial to take place without certificate.

23.—(1) No removal for burial of the dead body of any person shall take place, and no undertaker, clergyman, sexton, householder or other person, shall engage in the burial of the dead body of any person unless a certificate of registration has been previously obtained to the knowledge of the person so removing or engaging in the burial of the dead body. Provided that when a death has occurred in any township, a certificate of registration from the nearest division registrar shall be sufficient; provided further that when death from a contagious disease has occurred the return shall, prior to registration by the division registrar, be endorsed by the medical *health* officer (if any); but such division registrar shall forward the original certificate to the registrar of the division in which the death occurred; and provided, that when the death has taken place out of the Province of Ontario, or in a municipality other than that in which the death is to be registered, a certificate signed by the registrar or other proper officer of the municipality in which the death took place shall be sufficient for burial, and the division registrar of the municipality in which the burial takes place shall, when requested, register the death, and in such case shall note the fact of such prior registration in the column for remarks in the register and schedule.

Proviso.

59 V. c. 17, s. 25, amended.

8. Section 25 of the said Act is amended by inserting therein after the word "house" in the 3rd line, the words "unless a certificate has been given by a coroner."

59 V. c. 17, s. 28, amended.

9. Section 28 of the said Act is repealed and the following substituted therefor:

Penalty for not reporting.

(28) Any person required by this Act to report births, marriages, deaths or burials to the division registrar and who refuses or neglects to do so within the time required, shall, on summary

conviction therefor, for every such offence, be liable to a penalty not exceeding $10 and costs, but if a return required by this Act to be made by more than one person, is made by any one of such persons, the other of such persons shall not be liable to any such penalty in respect of his default, and every such prosecution shall be commenced within two years after the time allowed for reporting a birth, marriage, death, or burial.

Penalty for other acts or omissions.

(28*a*) Any person guilty of any act or omission in violation of any of the provisions of this Act, for which no other penalty is provided, shall be liable on summary conviction therefor, to a penalty of not more than $20 and costs.

Inspector to investigate upon notification.

(28*b*) It shall be the duty of the Inspector of Vital Statistics of this Province, upon being notified of any violation of this Act, to make investigation, and where necessary, to institute proceedings against any person guilty of any such offence.

59 V. c. 17, s. 33, repealed.

10. Section 33 of the said Act is repealed, and the following is substituted therefor :

County records of marriages to be delivered to Registrar-General.

33. The county records of marriages prepared under the Act passed by the Legislature of the late Province of Canada, in the 20th year of Her Majesty's reign, chaptered 66, and under chapter 72 of the Consolidated Statutes of Upper Canada, or any other Statute of the late Province of Canada or of this Province, and now preserved in the county registry offices, shall, on request, be delivered to the Registrar General, and shall be kept for preservation and reference among the records of his office.

No. 63.

3rd Session, 8th Legislature, 60 Vict, 1897.

BILL.

An Act to amend the law respecting the Registration of Vital Statistics

First Reading. 22nd March, 1897.
Second Reading, 31st March, 1897.

(Reprinted as amended in Committee of the Whole House.)

Mr. DAVIS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 64.] **BILL.** [1897.

An Act respecting the Solemnization of Marriage.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1**. This Act may be cited as *The Ontario Marriage Act.*

Interpretation. **2**. Where the words following occur in this Act they shall be construed in the manner hereinafter mentioned, unless a contrary intention appear:—

"Clergyman." (*a*) "Clergyman" shall mean any person authorized by this Act to solemnize marriages within this Province.

"Issuer." (*b*) "Issuer" shall mean: (1) Any person appointed by the Lieutenant-Governor in Council and authorized to issue marriage licenses, and (2) the person duly authorized in accordance with the provisions of this Act to act as the deputy of such issuer.

"Marriage Act Forms." (*c*) "Marriage Act Forms" shall mean the forms of license, certificate and affidavit authorized by this Act and directed to be applied to issuers for the purposes of this Act.

"License." (*d*) "License" shall mean: (1) The instrument under the hand and seal of the Lieutenant-Governor; signed by the Lieutenant-Governor or by his deputy duly appointed and authorizing the marriage without banns of the party therein named, and (2) a certificate signed by the Provincial Secretary and having the same legal effect as a license.

WHO MAY SOLEMNIZE MARRIAGES.

Who may solemnize marriage in Ontario. **3**. The following persons, being men and British subjects resident in Canada, may solemnize the ceremony of marriage between any two persons not under a legal disqualification to contract such marriage:

(1) The ministers and clergymen of every church and religious denomination duly ordained or appointed according to the rites and ceremonies of the churches or denominations to which they respectively belong;

(2) Any elder, evangelist or missionary for the time being of any church or congregation of the religious people commonly called or known congregationally as "Congregations of God" or "of Christ," and, individually, as "Disciples of Christ," who from time to time is chosen by any such congregation for the purpose of solemnization of marriage;

(3) Any duly appointed commissioner or staff officer of the religious society called the Salvation Army, chosen or commissioned by the said Society to solemnize marriages.

Duties of clergymen in relation to marriages under 59 V. c. 17.

4. The duties required of clergymen by the *Act revising and consolidating the Act respecting the Registration of Births, Marriages and Deaths* regarding the registration of marriages, shall be similarly required of those persons belonging to any religious denomination or community, who under this Act are empowered to solemnize marriages.

Appointment of Issuers of Marriage Licenses.

Appointment of issuers.

6. The Lieutenant-Governor in Council may appoint issuers of marriage licenses.

Deputy issuers of marriage licenses.

7.—(1) Any issuer may, with the approval, in writing, of the mayor or reeve of the city, town, township or incorporated village wherein he resides, from time to time, when prevented from acting by illness or unavoidable accident, or where his temporary absence is contemplated, appoint by writing under his hand, a deputy to act for him.

Powers of deputy issuers.

(2) The said deputy shall, while so acting at the residence, or office, or place of business of the said issuer for whom the deputy acts, possess the powers and privileges (as to administering necessary oath and otherwise) of the issuer appointing him.

Notice of appointment of deputy.

(3) The issuer shall, upon appointing a deputy, forthwith transmit to the Provincial Secretary a notice of the appointment, and of the cause thereof, and of the name and official position of the person by whom the appointment has been approved, and the Provincial Secretary may at any time annul the appointment.

Appointment of deputy in cases of emergency.

(4) In case it is necessary on account of illness, unavoidable accident, or contemplated temporary absence of an issuer of marriage licenses, to appoint a deputy, and there is no mayor or reeve to give the consent required by the provisions of subsection 1 of this section, such issuer of marriage licenses may, in the manner in other respects required by the said sub-

section, but without such consent, appoint such deputy, and the licenses or certificates issued by such deputy shall be deemed to authorize the solemnization of marriages at the same places as licenses or certificates issued by the principal for whom such deputy acts, and no irregularity in the appointment of a deputy issuer shall affect the validity of a license or certificate by him issued.

8. Every deputy so appointed shall sign each license and certificate issued by him, with the name of his principal as well as his own name in the following manner—"*A.B., Issuer of Marriage Licenses per C.D., Deputy Issuer*," or to the like effect; but no irregularity in the issue of a license or certificate issued by an issuer or deputy issuer to any person or persons obtaining the same, or acting thereon in good faith, shall invalidate a marriage solemnized in pursuance thereof. How deputies to sign licenses.

9.—(*a*) Blank forms of licenses, certificates and affidavits shall be supplied from the office of the Provincial Secretary and all expenses incident to providing himself with blank forms of licenses and certificates shall be paid by the issuer. Licenses to be paid for by issuer.

(*b*) Every issuer or any other person having unissued blank forms of licenses, certificates or affidavits in his possession, power, custody, or control, shall, whenever required so to do, transmit the same to the Provincial Secretary, and the property in all such unissued blank forms shall be and remain in Her Majesty. Unissued licenses to be returned to Provincial Secretary.

What is necessary before a License or Certificate is issued.

10. An issuer shall before issuing a license or certificate, require an affidavit to be made by one of the contracting parties, which affidavit shall show:— Affidavit to be made by applicant.

(a) The city, town, incorporated village or township in which the marriage is to be solemnized.

(b) That the person making the affidavit believes there is no affinity, consanguinity, prior marriage, or other lawful cause or legal impediment to bar or hinder the solemnization of the marriage.

(c) That one of the parties has for the space of fifteen days immediately preceding the issue of the license or certificate had his or her usual place of abode within the county or judicial district in which for either municipal or judicial purposes the local municipality in which the marriage is to be solemnized lies;

Or (if the county or district in which it is intended that the marriage shall be solemnized is not that in which either of the parties has for the space of fifteen days immediately preceding the issue of the license or certificate, had his or her usual place

of abode) that the reason of having the marriage solemnized in such place is not in order to evade due publicity or for any other improper purpose.

(d) That the age of the deponent and that of the other contracting party is, to the best of his or her belief, of the full age of eighteen years, or that the age of such contracting party, if under the age of eighteen years, is as stated by the deponent.

Consent required to marriage where one of the parties is under 18 years.

(e) That the condition in life of the parties, whether batchelor, widower, spinster or widow, is according to the fact. That is, where either of the contracting parties (not being a widower or widow) is under the age of eighteen years, the consent in writing of the father of such person, if the father be living, or if the father be dead, the consent of the mother, if living, or of a guardian, if any be duly appointed, has been obtained, which consent must be in writing under the signature of the person whose consent is required, and which shall be attached and form a part of the affidavit.

(f) That in the case where one (or both) of the contracting parties is under the age of eighteen years, and the father and mother are dead, and no guardian of one or other has been duly appointed, the statement is in accordance with the facts.

Evidence of absence of parents from Province.

(g) That, where the age of the contracting party is under eighteen years, the father or mother, though living, is not a resident of this Province and is not in this Province at the time of the application for a license, and that the person under the age of eighteen years is himself or herself a resident, and has been a resident of the Province for the preceding twelve months.

Prohibited degrees to be set forth in form of affidavit.

11.—(1) Upon the back, or at the foot of the printed forms of affidavits to be made by the parties, shall be printed a memorandum showing the degree of affinity and consanguinty between the parties, which bar or hinder the solemnization of marriage between them; and no affidavit shall be acted upon by the issuer which does not have the said memorandum printed thereon; and upon the back or at the foot of the certificates or licenses issued, shall be printed such extracts from the Statutes as are necessary to show what persons are authorized to solemnize marriages in Ontario, or an epitome of the provisions of such Statutes.

Duty of issuer of licenses.

(2) The issuer or deputy issuer before administering the oath to the applicant, shall see that the applicant is aware what degrees of affinity or consanguinity are a bar to the solemnization of marriage.

When issuer has personal knowledge that proper consent not obtained.

12. In case the issuer has personal knowledge that the facts are not as stated in the affidavit, he shall not issue the license or certificate; and if he has any reason to believe or

suspect that the facts are not as stated in the affidavit, he shall, before issuing the license or certificate, require further evidence to his satisfaction in addition to the said affidavit.

Particulars to be sent to Registrar-General.

13. Every issuer shall immediately upon issuing a marriage license, fill up on a form supplied to him and prepared by the Registrar-General, the particulars required thereon, and every such issuer shall, in making application to the Provincial Secretary for a new supply of blank forms, certify that a complete return of every license issued by him has been made to the Registrar-General.

Record to be kept of evidence on which license issues.

(a) Every issuer shall keep on record the affidavits or depositions stating the facts of which he is to be satisfied before issuing a license.

No license or marriage where either party under fourteen.

14. No issuer shall issue a license or certificate for the marriage of any person under the age of fourteen years; provided, however, that where a marriage shown to be necessary to prevent the illegitimacy of offspring, a license may be issued on the certificate to that effect, given by a legally qualified medical practitioner known to the issuer.

Hours during which licenses may not be issued.

15.—(1) No license or certificate shall be issued between the hours of 11 p.m. and 6 a.m. unless the issuer is satisfied from evidence adduced that the proposed marriage is legal and that exceptional circumstances exist which render the issue of the license or certificate advisable.

What is Necessary before a Marriage can be Solemnized.

Marriages not to be solemnized unless duly authorized.

16.—*(a)* No clergyman shall solemnize the marriage of any two persons, unless duly authorized so to do by license under the hand and seal of the Lieutenant-Governor or his deputy, duly authorized in that behalf, or by a certificate under this Act, or unless the intention of the two persons to intermarry has been proclaimed *by the person conducting a public service* once openly, and in an audible voice, either in the church, chapel or meeting house in which one of the parties has been in the habit of attending worship, or in some church, chapel, meeting house or place of public worship of the congregation or religious community with which the clergyman who is to solemnize the marriage is connected, in the local municipality where one of the parties has, for the space of fifteen days immediately preceding, had his or her usual place of abode; nor, where both parties do not live in the same local municipality, unless there is delivered to the clergyman who is to solemnize the marriage a certificate showing that a similar proclamation was made in the local municipality (being within Canada) where the other of the contracting parties has for the space of fifteen days immediately preceding had his or her usual place of abode.

Proclamation of intention.

(*b*) Every such proclamation shall be made on a Sunday, immediately before the public service begins or immediately after it ends, or at some intermediate part of the service.

Certificate of proclamation of intention.

(*c*) The said certificate of proclamation of intention to marry shall be signed by the clergyman or other person who actually proclaimed the same, and shall show the official position of the person who signed it *and the date on which said proclamation was made.*

Banns or license to lapse unless marriage takes place within three months.

17.—(*a*) No marriage shall be solemnized under the authority of any proclamation of intention to intermarry, unless such proclamation has been made at least one week previously, nor unless the marriage takes place within three months after the Sunday upon which the proclamation was made; nor shall a marriage be solemnized under the authority of any license or certificate unless within three months after the date of the issue thereof by the issuer.

Hours during which marriages not to take place.

(*b*) No clergyman shall solemnize a marriage between the hours of 10 p.m. and 6 a.m. unless he is satisfied from evidence adduced to him that the proposed marriage is legal and that exceptional circumstances exist which render its solemnization between the said hours advisable.

Witnesses required.

(*c*) No clergyman shall solemnize a marriage without the presence of at least two adult witnesses; and two or more of such witnesses shall affix their names as witnesses to the record in the marriage register prescribed and prepared under this Act.

Clergyman who is an issuer of marriage licenses.

(*d*) No clergyman who is also an issuer shall solemnize the marriage in any case in which he has issued the license or certificate authorizing such marriage; provided, however, that this sub-section shall not apply to the districts of Algoma, Parry Sound, Nipissing, Manitoulin, Thunder Bay and Rainy River.

Certificate to be delivered to person solemnizing marriage.

(*e*) The certificate or license to marry, or the certificate of publication of intention, when such certificate is required, shall be left with the clergyman who solemnizes the marriage, who shall fyle the same for reference.

Certificate in lieu of marriage license.

18. A certificate in the form given in Schedule B or Schedule C to this Act (according to the circumstances of the case) may, at the option of the applicant, be substituted for a marriage license; and such certificate shall have the same legal effect as a license, and shall be paid for in the same manner as a license.

Registration of Marriages and Issuance of Marriage Certificates.

Marriages to be registered by person solemnizing.

19. Every clergyman shall, immediately after he has solemnized a marriage, enter in a marriage register, according

to the form prepared by the Registrar General, to be kept by him for that purpose, the particulars required therein, and shall authenticate the same by his signature.

Clergyman to apply for marriage register to clerk of municipality.

20.—(1) Every clergyman, where a marriage register is not already possessed by any church or congregation over which he is placed or has charge, shall make application for a register (which shall be the property of said church or congregation) to the clerk of the city, town, incorporated village or township municipality within which the said church or congregation is situated; the clerk shall thereupon supply such register at the cost of the municipality, and the clergyman in whose keeping the register is, shall, on or before the 8th days of July and January, in each and every year, make to the said clerk a complete copy of every marriage recorded therein during the previous half year.

(2) One additional register may be supplied to any clergyman authorized to solemnize marriages, and a register shall also, on application, be supplied to any clergyman in the municipality who is not in charge of a church or congregation, but in that case he must similarly make a return at the periods aforesaid of all marriages solemnized by him.

In unorganized townships.

21.—(1) Every clergyman in charge of a church or congregation in any unorganized township shall upon a written application to be made by him to the Registrar General receive a marriage register, to be supplied by the Registrar General to be paid for out of any moneys set apart by the Legislature for the purpose.

Certificate of marriage to be furnished when required.

(2) Every clergyman shall when requested supply to either of the contracting parties a certificate of the marriage, and may demand twenty-five cents for such certificate.

Supplying copies of Act.

22. A copy of *The Ontario Marriage Act* may, on application, be supplied by the Registrar General to any clergyman.

Validity of Marriages.

Marriages in accordance with Act to be valid.

23. Every marriage solemnized in accordance with the provisions of this Act shall be deemed a valid and legal marriage.

Certain marriages valid after three years, notwithstanding certain irregularities.

24.—(1) Every marriage solemnized according to the provisions of this Act shall, after three years from the solemnization thereof, or upon the death of either of the parties before the expiry of such term, be deemed valid, so far as respects the civil rights in this Province of the contracting parties or their issue, and so far as respects all matters within the jurisdiction of the Legislature of Ontario, even if

(*a*) The clergyman and minister who solemnized the marriage was not at the time a resident of the Province and was not therefore, authorized to solemnize marriages in Ontario.

(*b*) There was irregularity of form in the application or issue of the license or insufficiency in the proclamation of intention to marry.

(*c*). There was absence of any license or certificate of proclamation.

(*d*) It was a marriage solemnized before the 4th day of May, 1891, in this Province according to the rules, usages and customs of the religious Society of Friends or Quakers.

(*e*) The marriage.

Proviso.

Always provided: That the parties are not under a legal disqualification to contract such marriage; that the parties shall, after the marriage was solemnized, have lived together and cohabited as man and wife, and that the validity of the marriage has not hitherto been questioned in any suit or action: and that nothing in this section shall make valid any such irregular marriage in case either of the parties thereto has since contracted matrimony according to law and in such a case the validity of the prior marriage shall be determined as if this Act had not been passed.

Fees.

Validity of licenses and certificates.

24. All marriage licenses or certificate blank forms issued from the office of the Provincial Secretary shall be numbered, and may be supplied to any issuer on application, on condition that he shall have complied with the several provisions of this Act, so far as applicable and on payment of such fees as may be fixed by Order in Council.

Licenses to be valid notwithstanding that person who signed same has ceased to hold office.

25. Every marriage license executed under the hand and seal of the Lieutenant-Governor, or his deputy duly authorized in that behalf, and every certificate signed by the Provincial Secretary, or Assistant Provincial Secretary, for the purpose of solemnizing a marriage, shall be and remain valid, notwithstanding that the Lieutenant Governor or his deputy, or the Provincial Secretary, or the Assistant Provincial Secretary has ceased to hold office before the time of the issue of the license or certificate.

Fees on issue of license.

26. No fee shall be payable for any license or certificate except the sum of $2 while the issuer of the license or certificate shall be entitled to retain for his own use; but, the Lieutenant-Governor in Council may from time to time reduce the sum so payable.

Penalties.

27. If any person issues any license or certificate for the solemnization of marriage without being authorized by the Lieutenant-Governor in Council in that behalf, he shall forfeit to Her Majesty the sum of $100 for every license or certificate so issued. Issuing licens without authority.

28. Any issuer who issues a license for, and any clergyman or minister who solemnizes the marriage between two persons, knowing or believing either of them to be an idiot or insane, shall incur a penalty of $500 in addition to any other penalty to which he may be liable under any provisions of the Criminal Code; and any clergyman or minister solemnizing a marriage without a license or certificate having been issued, or contrary to any other provision of this Act, shall incur a penalty of $100. Issuing license or solemnizing marriage of idiot or lunatic.

29. No minister who solemnizes a marriage ceremony after banns have been published or a license or certificate has been issued under this Act in respect thereto, shall be subject to any action or liability for damages or otherwise by reason of there having been any legal impediment to the marriage, unless at the time when he performed the ceremony he was aware of the impediment.

Repealing Clauses.

30. Chapter 39 of the Acts passed in the 59th year of Her Majesty's reign, is repealed. 59 V. c. 39, repealed.

No. 64.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Solemnization of Marriage.

First Reading, 22nd March, 1897.

Mr. DAVIS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 65.] BILL. [1897.

An Act to regulate the Immigration into Ontario of Certain Classes of Children.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation.

1. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned unless a contrary intention appears:

"Child." "Child" shall mean a person under 18 years of age.

"Society." "Society" shall mean any individual or association of individuals, whether incorporated or unincorporated, or any refuge or home, undertaking the care, training, reformation or education of orphan, neglected or dependent children, or the bringing of such children into the Province, or the placing out of such children in foster homes, or the apprenticing of such children to any trade or industry, or other work of a similar character, and shall include a branch or agency of any society.

"Agent." "Agent" shall include the superintendent or other officers of any society, and also any person who undertakes for reward or otherwise to bring such children into the Province, or to place children in foster homes or as apprentices to any trade or calling or to procure them to be so placed.

"Inspector." "Inspector" shall mean the Superintendent of Neglected and Dependent Children or any officer specially appointed by the Lieutenant-Governor in Council to inspect societies and agents.

"Examiner." "Examiner" shall mean the agent of the Province of Ontario in Great Britain or any officer appointed by the Lieutenant-Governor in Council to inspect and examine in Great Britain or Ireland, children who are to be brought into the Province of Ontario.

Authority of Lieutenant-Governor for bringing children into Ontario.

2. The Lieutenant-Governor in Council may authorize any society or agent to carry on the work of bringing into this Province, indigent, neglected or dependent children, for the purpose of providing for such children in this Province by placing them out in foster homes, or binding them as apprentices, or otherwise.

Societies and agents to be subject to inspection.

3. Every such society or agent, after such authority has been given, shall, as to operations in Ontario, be subject to the inspection and supervision of the inspector, who shall, at least four times in every year, or oftener, if required to do so by the Minister in charge, inspect the work of every such society or agent, and shall report thereon to the Lieutenant-Governor-in-Council.

Record of operations of society.

4. Every society or agent authorized to carry on work in Ontario as aforesaid, shall keep a record in writing showing:

(*a*). The full name of every child brought, or procured to be brought into this Province by the society or agent.

(*b*). The name and address of the parents or guardians, or other persons from whom the society or agent received such child.

(*c*). The date on which the child was brought into this Province.

(*d*). The age and date of birth of the child.

(*e*). The name and place of residence of every person from time to time having the custody of the child.

(*f*). Such other particulars as the inspector may, with the approval of the Minister in charge, from time to time require to be kept on record.

And every examiner before giving the certificate provided for in section 11, shall be furnished with such information as to the particulars hereinbefore set out, as the society or agent proposing to bring or send any child into the Province of Ontario as aforesaid, shall be able to give.

Duties of societies and agents as to children brought into Ontario.

5.—(1) Every society or agent shall maintain careful supervision over every child brought, or caused or procured to be brought into the Province by such society or agent, until such child shall attain the age of 18 years; and it shall be the duty of such society or agent to cause a personal visit by an agent specially appointed for that purpose, to be made to each such child at least once in every year, until the child shall have attained the said age, and for the purposes of this Act, and for the protection of the person and earnings of the child, the society or agent, until the child attains the age of 18 years shall have all the powers, and shall perform all the duties by law provided in the case of the guardian of an infant.

(2) A certificate in writing, signed by an examiner or inspector, stating the age of any person admitted into this Province under this Act at the date when such person was so admitted or left Great Britain or Ireland for that purpose, together with a further certificate signed by the Provincial Secretary declaring that the person signing such first mentioned certificate was at the time of signing the same a duly authorized examiner or inspector under this Act, shall in any prosecution, action, or other proceeding instituted, brought or taken under any Act of this Legislature, on account of or by, or against, or on behalf of any person so admitted, be conclusive evidence as to the age of such person.

Homes or shelters to be provided.

6. Every such society or agent shall provide a permanent home or shelter to which any child brought, or caused, or procured to be brought into the Province as aforesaid, by such society or agent, may be returned after having been placed out in a foster home or apprenticed as aforesaid, if the person with whom the child has been placed is unable or unwilling to retain the custody or control of the child; and the address of such shelter shall be specified in every agreement made with persons receiving children into foster homes or as apprentices.

Persons with whom children placed to give information to society.

7. Every person receiving from any society or agent, any child brought into the Province of Ontario as aforesaid, shall, whenever required by the society or agent so to do, furnish to the society or agent, full particulars as to the health, conduct, progress and welfare of the child.

Return of child to home when employer is unwilling to retain child.

8.—(1) In case any person who has received from a society or agent, a child brought into the Province of Ontario as aforesaid, is unable or unwilling to carry out the agreement entered into by him with the society or agent, he shall, at his own expense, return the child safely, to the home or shelter provided by the society or agent; and any such person who abandons a child so received, or refuses to maintain the child, and neglects or refuses to return him to the home or shelter of the society or agent as aforesaid, shall, on summary conviction thereof, before two or more justices of the peace, be liable to a fine of not more than $100, nor less than $10, or to imprisonment for any term not exceeding three months.

Penalty for abandonment of child.

Society or agent to state cause of return of child to subsequent applicant.

(2) Whenever a child has been so returned to the custody of a society or agent, after having been placed out or apprenticed, the society or agent, shall ascertain, as far as possible, the true cause of such return, and before the child is again placed or apprenticed to any person, the society or agent shall state to such person the true cause of such return, as so ascertained, under penalty of forfeiture of the license held by such society or agent, and of the sum of $100 to be recovered in any court of competent jurisdiction at the suit of the Crown or of the person aggrieved.

Society or agent to be notified when child leaves master or guardian.

9. Where a child who has been received by any person as aforesaid, deserts the home or employment of such person of his own accord, or is wrongfully taken from the custody of such person, with or without the consent of the child, before attaining the age of 18 years, the person from whose custody the child has been taken or has escaped, shall immediately notify the society or agent from whom the child was received, and shall give all reasonable assistance in recovering the child under penalty in case of default of not more than $20 and not less than $5, besides costs, to be recovered on summary conviction before two or more Justices of the Peace.

Penalty for bringing children into Province unlawfully.

10. Any person who, without the authority conferred by the Lieutenant-Governor under section 2 of this Act, brings causes or procures to be brought into this Province, after the 1st day of September, 1897, any indigent, neglected or dependent child not being his own child, or a child for whom he is acting as guardian, or one towards whom he stands *in loco parentis*, shall, on summary conviction thereof, before two or more Justices of the Peace, be liable to a fine of not more than $100 nor less than $10, besides costs, and in default of payment of such fine and costs, to imprisonment for any period not exceeding 3 months. But this shall not apply in the case of any person not acting as an agent or on behalf of any society, and who may be specially entrusted with the custody of the child by the parent or person standing *in loco parentis* to such child, for the purpose of bringing the child into the Province and delivering him to the custody of some person in the Province; provided, that the person to whom the child is to be delivered is in the opinion of the Superintendent of Neglected and Dependent Children a fit and proper person to be entrusted with the custody of the child.

Certificate of examiner to be obtained before child leaves Britain.

11.—(1) No child shall be brought, or caused, or procured to be brought into the Province of Ontario by any society or agent, or by any person other than the parent, or the person standing in *loco parentis* to such child, from any port in Great Britain or Ireland, unless before the vessel upon which the child is to be a passenger, sails, a certificate has been obtained from an Examiner stating that he has satisfied himself by personal examination or inquiry, and by such sufficient evidence as may be produced that the child named in the certificate is free from vicious tendencies, and is in other respects a child who may lawfully be brought into this Province as aforesaid.

(2) The said certificate may include any number of children forming members of the same party of immigrants, and in charge of the same person or persons.

Penalty for bringing defective or criminal children, etc., into Ontario.

12.—(1) Any person who brings, or causes or procures to be brought into the Province of Ontario, any child who, from defective intellect, or disease, or physical infirmity, or any other defect, is unable to follow any trade or calling, or any

child of known vicious tendencies, or any child who is known to be an habitual criminal, or who has been reared, or who had resided amongst habitual criminals, or any child whose parents have been habitual criminals, lunatics, or idiots, or weak minded or defective, or confirmed paupers, or diseased, or without having the certificate provided for in section 11 of this Act, shall, on summary conviction thereof, before two or more Justices of the Peace, be liable to a penalty of not more than $100, nor less than $10, besides costs, and in default of payment of said fine and costs, to imprisonment for any period not exceeding 3 months.

(2) No proceedings against any person under this section shall be taken after the expiration of one year from the date on which the child was brought into the Province as aforesaid.

Where child brought into Province becomes a public charge.

13. If any child who has been so brought, or caused or procured to be brought into the Province of Ontario, by any society or agent, shall, within three years thereafter, become a charge upon the funds of any municipality, or upon the Province, or be dependent upon private charity, such society or agent shall, if so ordered by the Inspector, pay to the municipality or the Province, or to any person maintaining the child, as the case may be, the cost of the maintenance of the child, and may be required to return the child to the place from which he came into this Province, if, in the opinion of the Inspector, such a course is advisable; Provided that the Inspector may exempt any society or agent from the operation of this section upon production of the certificate of an Examiner to the effect set forth in section 11 of this Act.

Proviso.

Society or agent to investigate complaints as to ill-treatment of children placed out.

14.—(1) In case any person resident in the Province gives notice to a society or agent, that a child brought into the Province by the society or agent and placed out or apprenticed by the society or agent, is being ill-treated or overworked, or is not being properly educated, or is being otherwise neglected, such society or agent shall immediately cause the complaint to be investigated, and shall take all necessary steps to protect the child from further ill-treatment or neglect.

(2) Any person with whom a child has been placed out or apprenticed, who ill-treats or over-works, or neglects to provide for the proper maintenance and education of such child, shall, upon summary conviction thereof, before two or more Justice, of the Peace, be liable to a fine not exceeding $50, or to imprisonment, with or without hard-labour for any term not exceeding six months.

Sheriff to notify superintendent of committal or detention of child.

15. Whenever any child admitted to the Province under this Act is committed to or detained in the common gaol of a county, it shall be the duty of the Sheriff of the county to notify the Superintendent of Neglected and Dependent Children of the name, age of the child, and the date and cause of such committal or detention.

Inspector to investigate complaints made of violations of the Act.

16. The Inspector may direct proceedings to be taken against any person for violating the provisions of this Act, and he shall, for this purpose, inquire into all the complaints made to him against any person, society or agent, and report thereon to the Minister in charge of the Department to which he is attached; and the Inspector may, in his report, recommend that the authority conferred by the Lieutenant-Governor in Council under section 2 of this Act, shall be revoked, and the Lieutenant-Governor may thereupon by order revoke such authority.

Bill No. 65.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to regulate the Immigration into Ontario of Certain Classes of Children.

First Reading, 15th February, 1897.

Mr. Gibson,
(Hamilton

TORONTO.
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty

No. 65.] **BILL.** [1897.

An Act to regulate the Immigration into Ontario of Certain Classes of Children.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned unless a contrary intention appears: Interpretation.

"Child" shall mean a person under 18 years of age. "Child."

"Society" shall mean any individual or association of individuals, whether incorporated or unincorporated, undertaking the care, training, reformation or education of orphan, neglected or dependent children, or the bringing of such children into the Province, or the placing out of such children in foster homes, or the apprenticing of such children to any trade or industry, or other work of a similar character, and shall include a branch or agency of any society. "Society."

"Agent" shall include the superintendent or other officers of any society to which this Act applies, and also any person who undertakes for reward or otherwise to bring such children into the Province, or to place children in foster homes or as apprentices to any trade or calling or to procure them to be so placed. "Agent.

"Inspector" shall mean the Superintendent of Neglected and Dependent Children or any officer specially appointed by the Lieutenant-Governor in Council to inspect the work, books and records of societies and agents. "Inspector."

"Examiner" shall mean the agent of the Province of Ontario in Great Britain or any officer appointed by the Lieutenant-Governor in Council to inspect and examine in Great Britain or Ireland, children who are to be brought into the "Examiner."

Province of Ontario. And any officer of the Government of the Dominion of Canada may, with the consent of the Government of Canada, be appointed by the Lieutenant-Governor in Council to perform the duties of an examiner under this Act.

Authority of Lieutenant-Governor for bringing children into Ontario.

2. The Lieutenant-Governor in Council may authorize any society or agent to carry on the work of bringing into this Province, indigent, neglected or dependent children, for the purpose of providing for such children in this Province by placing them out in foster homes, or binding them as apprentices, or otherwise.

Societies and agents to be subject to inspection.

3. Every such society or agent, after such authority has been given, shall, as to operations in Ontario, be subject to the inspection and supervision of the inspector, who shall, at least four times in every year, or oftener, if required to do so by the Minister in charge, inspect the work of every such society or agent, and shall report thereon to the Lieutenant-Governor-in-Council.

Record of operations of society.

4. Every society or agent authorized to carry on work in Ontario as aforesaid, shall keep a record in writing showing:

(*a*). The full name of every child brought, or procured to be brought into this Province by the society or agent.

(*b*). The name and address of the parents or guardians, or other persons from whom the society or agent received such child.

(*c*). The date on which the child was brought into this Province.

(*d*). The age and date of birth of the child.

(*e*). The name and place of residence of every person from time to time having the custody of the child.

(*f*) The more important terms and conditions of the agreement entered into on placing out or binding as an apprentice any child.

(*g*). Such other particulars as the inspector may, with the approval of the Minister in charge, from time to time require to be kept on record.

And every examiner before giving the certificate provided for in section 11, shall be furnished with such information as to the particulars hereinbefore set out, as the society or agent proposing to bring or send any child into the Province of Ontario as aforesaid, shall be able to give.

Duties of societies and agents as to children brought into Ontario.

5.—(1) Every society or agent shall maintain careful supervision over every child brought, or caused or procured to be brought into the Province by such society or agent, until such child shall attain the age of 18 years; and it shall be the duty of such society or agent to cause a personal visit by an agent

specially appointed for that purpose, to be made to each such child at least once in every year, until the child shall have attained the said age, and for the purposes of this Act, and for the protection of the person and earnings of the child, the society or agent, until the child attains the age of 18 years shall have all the powers, and shall perform all the duties by law provided in the case of the guardian of an infant.

(2) A certificate in writing, signed by an examiner or inspector, stating the age of any person admitted into this Province under this Act at the date when such person was so admitted or left Great Britain or Ireland for that purpose, together with a further certificate signed by the Provincial Secretary declaring that the person signing such first mentioned certificate was at the time of signing the same a duly authorized examiner or inspector under this Act, shall in any prosecution, action, or other proceeding instituted, brought or taken under any Act of this Legislature, on account of or by, or against, or on behalf of any person so admitted, be conclusive evidence as to the age of such person.

Homes or shelters to be provided.

6. Every such society or agent shall provide a permanent home or shelter to which any child brought, or caused, or procured to be brought into the Province as aforesaid, by such society or agent, may be returned after having been placed out in a foster home or apprenticed as aforesaid, if the person with whom the child has been placed is unable or unwilling to retain the custody or control of the child; and the address of such shelter shall be specified in every agreement made with persons receiving children into foster homes or as apprentices.

Persons with whom children placed to give information to society.

7. Every person receiving from any society or agent, any child brought into the Province of Ontario as aforesaid, shall, whenever required by the society or agent so to do, furnish to the society or agent, full particulars as to the health, conduct, progress and welfare of the child.

Return of child to home when employer is unwilling to retain child.

8.—(1) In case any person who has received from a society or agent, a child brought into the Province of Ontario as aforesaid, is unable or unwilling to carry out the agreement entered into by him with the society or agent, he shall, at his own expense, return the child safely, to the home or shelter provided by the society or agent; and any such person who abandons a child so received, or refuses to maintain the child, and neglects or refuses to return him to the home or shelter *provided by* the society or agent as aforesaid, shall, on summary conviction thereof, before two or more justices of the peace, be liable to a fine of not more than $100, nor less than $10, or to imprisonment for any term not exceeding three months. ☞Provided, however, that nothing in this section contained shall be deemed to relieve any person or to entitle

Penalty for abandonment of child.

Proviso.

any person to relief as a matter of right in respect of a child received by him from any society or agency or in respect of any contract or agreement which may have been entered into in respect of such child, until he shall have obtained the written consent of such society or agent in that behalf.

Society or agent to state cause of return of child to subsequent applicant.

(2) Whenever a child has been so returned after having been placed out or apprenticed, the society or agent shall ascertain as far as possible the true cause of such return, and if it shall appear that such return was caused by any act of immorality or serious misconduct or misdemeanor on the part of the child, the society or agent shall, before the child is again placed out or apprenticed to any person, state to such person the true cause of such return as so ascertained, under penalty of forfeiture of the license held by such society or agent, and of the sum of not more than $100 to be recovered in any court of competent jurisdiction at the suit of the Crown or of the person aggrieved.

Society or agent to be notified when child leaves master or guardian.

9.—(1) Where a child who has been received by any person as aforesaid, of his own accord deserts the home or employment of any person in whose home he has been placed, or to whom he has been apprenticed, or is wrongfully taken from the custody of such person, with or without the consent of the child, before attaining the age of 18 years, the person from whose custody the child has been taken or has escaped, shall immediately notify the society or agent from whom the child was received, and shall give all reasonable assistance in recovering and restoring to the guardianship of the society or agent the child under penalty in case of default of not more than $20 and not less than $5, besides costs, to be recovered on summary conviction before two or more Justices of the Peace.

(2) It shall not be lawful for any person to entice a child away from a foster-home or situation, or to encourage or aid a child to leave the home in which such child has been placed for adoption or apprenticeship. Any person so interfering with a child may be prosecuted by a society or agent and may on conviction thereof be fined any sum not exceeding $25 or imprisoned for any period not exceeding three months.

Penalty for bringing children into Province unlawfully.

10. Any person who, without the authority conferred by the Lieutenant-Governor under section 2 of this Act, brings causes or procures to be brought into this Province, after the 1st day of September, 1897, any indigent, neglected or dependent child not being his own child, or a child for whom he is acting as guardian, or one towards whom he stands *in loco parentis*, shall, on summary conviction thereof, before two or more Justices of the Peace, be liable to a fine of not more than $100 nor less than $10, besides costs, and in default of payment of such fine and costs, to imprisonment for any period not exceeding 3 months.

11.—(1) No child shall be brought, or caused, or procured to be brought into the Province of Ontario by any society or agent, or by any person other than the parent, or *a* person standing in *loco parentis* to such child, from any port in Great Britain or Ireland, unless before the vessel upon which the child is to be a passenger, sails, a certificate has been obtained from an Examiner stating that he has satisfied himself by personal examination or inquiry, and by such sufficient evidence as may be produced that the child named in the certificate has not been convicted of any crime or misdemeanor or displayed criminal or vicious tendencies, and is in other respects a child who may lawfully be brought into this Province as aforesaid.

Certificate of examiner to be obtained before child leaves Britain.

(2) The said certificate may include any number of children forming members of the same party of immigrants, and in charge of the same person or persons.

(3) Regulations may be made with the approval of the Lieutenant-Governor in Council authorizing the examiner to accept as sufficient evidence in whole or in part for the purposes of this section information received from any emigration agent or other officer of the Government of Canada whose duty it may be to officially inspect children before being allowed to be brought to Canada.

12.—(1) Any society or agent, or person acting on behalf of any society or agent, who brings, or causes or procures to be brought into the Province of Ontario, any child who, from defective intellect, or disease, or physical infirmity, or any other defect, is unable to follow any trade or calling, or any child of known vicious tendencies, or any child who is known to be an habitual criminal, or who has been reared, or who had resided amongst habitual criminals, or any child whose parents have been habitual criminals, lunatics, or idiots, or weak minded or defective *constitutionally*, or confirmed paupers, or diseased, or without having the certificate provided for in section 11 of this Act, shall, on summary conviction thereof, before two or more Justices of the Peace, be liable to a penalty of not more than $100, nor less than $10, besides costs, and in default of payment of said fine and costs, to imprisonment for any period not exceeding 3 months.

Penalty for bringing defective or criminal children, etc., into Ontario.

(2) No proceedings against any person under this section shall be taken after the expiration of *two* years from the date on which the child was brought into the Province as aforesaid.

(3) The provisions of sections 10 and 11 and of this section shall not apply in the case of any person not acting as an agent or on behalf of any society or agent, and who may be specially entrusted with the custody of the child by the parent or persons standing in *loco parentis* to such child, for the purpose of bringing the said child into the Province and delivering him to the custody of some person in the Province; pro-

vided that the person to whom the child is to be delivered is in the opinion of the Superintendant of Neglected and Dependent Children a fit and proper person to be entrusted with the custody of the child.

Where child brought into Province becomes a public charge.

13. If any child *hereafter* so brought, or caused or procured to be brought into the Province of Ontario, by any society or agent, shall, within three years thereafter, become a charge upon the funds of any municipality, or upon the Province, or be dependent upon private charity, such society or agent shall, if so ordered by the Inspector, pay to the municipality or the Province, or to any person maintaining the child, as the case may be, the cost of the maintenance of the child, and may be required to return the child to the place from which he came into this Province, if, in the opinion of the Inspector, such a course is advisable; Provided that the Inspector may exempt any society or agent from the operation of this section upon production of the certificate of an Examiner to the effect set forth in section 11 of this Act unless it be made to appear that such certificate was granted on false statements or representations made by or on behalf of the Society.

Proviso.

Society or agent to investigate complaints as to ill treatment of children placed out.

14.—(1) In case any person resident in the Province gives notice to a society or agent, that a child brought into the Province by the society or agent and placed out or apprenticed by the society or agent, is being ill-treated or overworked, or is not being properly educated, or is being otherwise neglected, such society or agent shall immediately cause the complaint to be investigated, and shall take all necessary steps to protect the child from further ill-treatment or neglect.

(2) Any person with whom a child has been placed out or apprenticed, who ill-treats or over-works, or neglects to provide for the proper maintenance and education of such child, shall, upon summary conviction thereof, before two or more Justice, of the Peace, be liable to a fine not exceeding $50, or to imprisonment, with or without hard-labour for any term not exceeding six months.

(3) Every society, agent or person having the custody of any child heretofore or hereafter brought into the Province of Ontario shall be entitled to send such child to the public or separate schools of the municipality or school section in which the child resides in the same manner as the child of any ratepayer in the municipality or school section, and every such society, agent or person having custody of any such child shall be subject to the Acts respecting Truancy and Compulsory School Attendance, and to the penalties imposed by the said Acts in the same manner and to the same extent as any ratepayer.

15. Whenever any child admitted to the Province under this Act is committed to or detained in the common gaol of a county, it shall be the duty of the Sheriff of the county to notify the Superintendent of Neglected and Dependent Children of the name, age of the child, and the date and cause of such committal or detention. It shall further be the duty of managers of maternity hospitals, infants homes or other refuges for women, to ascertain and record the antecedents of women coming under their care, and furnish such information as may be called for from time to time.

Sheriff to notify superintendent of committal or detention of child.

16. The Inspector may direct proceedings to be taken against any person for violating the provisions of this Act, and he shall, for this purpose, inquire into all the complaints made to him against any person, society or agent, and report thereon to the Minister in charge of the Department to which he is attached; and the Inspector may, in his report, recommend that the authority conferred by the Lieutenant-Governor in Council under section 2 of this Act, shall be revoked, and the Lieutenant-Governor may thereupon by order revoke such authority.

Inspector to investigate complaints made of violations of the Act.

17. Nothing in this Act shall be deemed to affect the provisions of the Revised Statute, *An Act respecting Master and Servant*, with regard to agreements made with persons resident out of Canada for the performance of labour or service or having reference to the performance of labour or service by such persons in the Province of Ontario.

Provisions of Rev. Stat. c. 139, as to certain contracts not affected.

Bill No. 65.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to regulate the Immigration into Ontario of certain Classes of Children.

First Reading, 15th February, 1897.
Second Reading, 4th March, 1897.

(Reprinted as amended by Committee of the Whole House.)

MR. GIBSON,
(Hamilton).

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 66] BILL. [1897.

An Act to amend The Married Women's Property Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Contracts of married women to bind all her separate estate.

1.—(1.) Every contract hereafter entered into by a married woman, otherwise than as an agent :

(*a*) Shall be deemed to be a contract entered into by her with respect to and to bind her separate property whether she is or is not in fact possessed of or entitled to any separate property at the time when she enters into such contract, and it shall not be necessary in any proceeding to prove that she had as a fact any separate property at the time when such contract was entered into, or subsequently;

(*b*) Shall bind all separate property which she may at the time or thereafter possess or be entitled to; and

(*c*) Shall also be enforceable by process of law against all property which she may thereafter while discovert possess or be entitled to;

When restraint on anticipation exists.

(2.) Nothing in this section contained shall render available to satisfy any liability or obligation arising out of such contract any separate property which she is restrained from anticipating. *See* 56 and 57 V., c. 63, s. 1 (Imp.).

Will of married woman to speak from death.

2. Section 26 of *The Wills Act*, being chapter 109 of the Revised Statutes of Ontario, shall apply to the will of a married woman made during coverture whether she is or is not possessed of or entitled to any separate property at the time of making it, and such will shall not require to be re-

executed or re-published after the death of her husband. (*See* 56 and 57 V., c. 63, s. 3 (Imp.); Willock *v.* Noble L. R. 7, H. D. 580; and Bilke *v.* Roper, 45 Ch. D., 632.)

Rev. Stat., c. 132, s. 3, s-s. 3 and 4 repealed.

3. Subsections 3 and 4 of section 3 of *The Married Women's Property Act* are hereby repealed.

Short title.

4. This Act may be cited as *The Married Women's Property Act, 1897.*

No. 66.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Married Women's Property Act.

First Reading, 15th February, 1897.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printed to the Queen's Most Excellent Majesty.

No. 67] **BILL.** [1897.

An Act respecting Wages and the Estates of Deceased Persons.

HER Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Priority of claims for wages in administration of estates.

1. In the administration of the estate of a deceased person, any person in the employment of the deceased at the time of his death, or within one month prior thereto, who shall be entitled to share in the distribution of the estate, shall be entitled to his salary or wages not exceeding three months thereof in priority to the claims of the ordinary or general creditors of the deceased, and such person shall be entitled to rank as an ordinary or general creditor of such deceased person for the residue, if any, in his claim.

Application of Act.

2. This Act shall apply to the estates of all persons who may die after the passing of this Act, and may be read with and as part of *The Act respecting Wages.*

No. 67.

3rd Session, 8th Legislature, 60 Vict., 1897

BILL.

An Act respecting Wages and the Estates of Deceased Persons.

First Reading, 15th February, 1897.

THE ATTORNEY GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 68.] **BILL.** [1897.

An Act respecting Town Councils.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Municipal Councils; how composed in towns of over 4,000.

1. The Council of every Town having a population of over 4,000 according to the last Canadian census, shall consist of a Mayor, who shall be the head thereof, and of two Councillors to be elected by the general vote of the municipal electors in the Town, and of two Councillors for each Ward, to be elected by the vote of the municipal electors in the Ward, in the manner provided by *The Consolidated Municipal Act.* 55 V. c. 42.

In towns of 4,000 or less.

2. The Council of every town having a population of not more than 4,000 by the last Canadian census, shall consist of a mayor, who shall be the head thereof, and of six councillors to be elected by general vote of the municipal electors in the town.

In villages.

3. The Council of every incorporated village shall consist of a reeve, who shall be the head thereof, and four councillors to be elected by general vote of the municipal electors of the village.

In townships.

4. The Council of every township shall consist of a reeve, who shall be the head thereof, and four councillors, who shall, where the township is not divided into wards, be elected by general vote; and where the township is divided into wards, the reeve shall be elected by general vote, and one councillor shall be elected for each ward.

Voter may vote for councillor in each ward where qualified.

6. In the cases of councillors to be elected by or for a ward or by general vote, every elector may vote therefor, as heretofore, in each ward in which he has the necessary qualification;

but in the case of mayor or reeve the elector shall, as at present, not be entitled to vote therefor at more than one polling place in the municipality.

Representation of junior county in provisional county council.

7.—(1) Where reeves are elected for municipalities within a junior county, they shall, upon the establishment of a provisional county council, be *ex-officio* members thereof.

(2) In the case of a town within a junior county for which no reeve is elected, the council of the town, shall, upon the establishment of the provisional county council, elect one of its own members as a member thereof.

(3) The members so elected and the reeves as aforesaid, shall form the provisional council.

55 V. c. 42, s.-s. 69-72, repealed.

8. Sections 69, 70, 71 and 72 of *The Consolidated Municipal Act, 1892*, are repealed, and the foregoing provisions are substituted therefor; and wherever in the said Act it is provided that anything shall be done or suffered by or as to a reeve in municipalities in which, under this Act, reeves will not hereafter be elected, or by a deputy reeve in any municipality, either alone or in connection with other officers, such provision shall as to such reeve or deputy reeve, be deemed to be repealed by this Act; and all parts of the said Act which are inconsistent with this Act are repealed.

Commencement of Act.

9. This Act shall apply to the next general municipal elections, and shall have effect thereat and thereafter, but not before.

Act incorporated with 55 V. c. 42.

10. This Act shall be read with and as part of *The Municipal Act*.

No. 68.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting Town Councils.

First Reading, 15th February, 1897.

THE ATTORNEY GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 69.] **BILL.** [1897.

An Act setting apart certain wild lands of the Crown for the use of the University of Toronto.

WHEREAS it is claimed by the University of Toronto that the Crown has not granted to it the quantity of land formerly set apart or appropriated by the Crown as an endowment of the University of Upper Canada, and that the grants actually made were less by 138,424 acres or thereabouts than the quantity to which the University of Upper Canada was entitled under and by virtue of the appropriation made by the Executive Government of Upper Canada with the sanction of the Imperial Government; and whereas such claim has always been disputed, but it is nevertheless deemed expedient to appropriate and set apart to and for the use of the said University of Toronto, the successor of the said University of Upper Canada, the lands hereinafter mentioned, and thereby to make further provision for instruction in mechanics and engineering, mineralogy and geology, and for the encouragement of scientific investigations and discoveries in connection with the undeveloped mineral resources of this Province; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council may set apart for the said University six townships of six miles square of the Crown Lands of this Province, and which may be selected in the following localities: three townships within the Rainy River District, one of which may be near the township of Dryden between the towns of Port Arthur and Rat Portage; and the other two of which may be in the Seine River District or near the Lake of the Woods; two townships within the District of Nipissing lying north of Lake Temiscamingue; and Six townships may be set apart for University.

one township in the territory lying between Lake Nipissing and the Spanish river, and in either the District of Nipissing or the District of Algoma.

Selection of townships to be set apart.

2. The townships to be set apart as aforesaid may be selected from those already surveyed or to be surveyed under the authority of the Department of Crown Lands and may be selected by agents appointed respectively by the Lieutenant-Governor in Council and the trustees of the said University of Toronto for that purpose, and in case of any difference of opinion between the said agents in making the said selection, such difference shall be determined by the Commissioner of Crown Lands.

Sale and control of lands.

3. The lands in the said townships shall be sold at the same price and shall be controlled and managed by the Department of Crown Lands upon the same terms and conditions as other Crown Lands in the said localities.

Accounts of sales.

4. Separate accounts respecting the said lands and the moneys received from the sales thereof shall be kept by the proper officers and departments, and yearly accounts thereof shall be rendered to the said University from time to time, and all moneys derived from the sales thereof shall be paid over to the Bursar or other officer of the said University free from all charges or deductions for management or otherwise, and shall be applied by the said University for the purposes set forth in the preamble to this Act and in the Acts relating to the said University.

Where lands have been already sold.

5. In case it shall be found that any of the lands in the said townships have been already sold, the moneys received from such sales shall be set apart and paid to the said University for the purposes provided in this Act. Squatters on any of the said lands shall be treated in the same manner as squatters upon ordinary Crown Lands.

Reservation of pine timber.

6. The pine timber on the said lands shall be reserved for the uses of the Crown in this Province, and in case any lands selected as aforesaid form part of timber berths already disposed of, the said lands shall be held for the University subject to the rights of the licensee of the said timber berths or his lawful assigns.

University to release all other claims against Government.

7. The said University of Toronto shall by an instrument under its corporate seal to be approved by the Lieutenant-Governor in Council, declare its acceptance of the terms and conditions set forth in the preamble and enacting clauses of this Act, and shall release and forever discharge Her Majesty as representing the Province of and from the alleged claim for or in respect of the said 138,424 acres of land, be the same more or less.

8. Upon such instrument being so executed and approved and upon the selection of the townships being made by the said agents and approved by the Commissioner of Crown Lands, the Lieutenant-Governor in Council may declare tnat the said lands have been set apart for the purposes aforesaid. Declaration as to lands set apart.

No. 69.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act providing for setting apart certain wild lands of the Crown for the use of the University of Toronto.

First Reading, 16th February, 1897.

Mr. Ross.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 69.] **BILL.** [1897.

An Act setting apart certain wild lands of the Crown for the use of the University of Toronto, and for other purposes.

Preamble.

WHEREAS it is claimed by the University of Toronto that the Crown has not granted to it the quantity of land formerly set apart or appropriated by the Crown as an endowment of the University of Upper Canada, and that the grants actually made were less by 138,424 acres or thereabouts than the quantity to which the University of Upper Canada was entitled under and by virtue of the appropriation made by the Executive Government of Upper Canada with the sanction of the Imperial Government; and whereas such claim has *not been admitted*, but it is nevertheless deemed expedient to appropriate and set apart to and for the use of the said University of Toronto, the successor of the said University of Upper Canada, the lands hereinafter mentioned; and whereas it is further claimed that by an agreement between the Imperial Government and the Canada Company, made on the 23rd day of May of 1826, the Canada Company was to pay to the Province certain sums of money for the fee of certain lands of the Crown, out of which the sum of £1,000 per annum for a period of sixteen years was to be paid to King's College, now the University of Toronto; and whereas under the said agreement there was paid the sum of £4,500, and *it is claimed that* the remainder with interest is still due and owing; and whereas by an Act passed in the sixteenth year of Her Majesty's reign, the Crown acquired the right to take possession of certain University lands for public purposes, in the Queen's Park, in the city of Toronto, conditioned upon the payment to the Univeristy, upon "the ascertained value thereof of six per cent. per annum;" and whereas no payments have been made to the University under said Act, and whereas the Senate has made certain other claims on account of the *alleged* diversion of the funds

of the University by the authority of the Government of the Province; and whereas it is expedient that all claims as aforesaid made by the said University, and all other claims (if any) arising out of any action of the Province with respect to the property of the University, or any part thereof before the passing of this Act, should be extinguished and forever set at rest;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Six townships may be set apart for University.

1. The Lieutenant-Governor in Council may set apart for the said University six townships of six miles square of the Crown Lands of this Province, and which may be selected in the following localities: three townships within the Rainy River District, one of which may be near the town of Dryden between the towns of Port Arthur and Rat Portage; and the other two of which may be in the Seine River District or near the Lake of the Woods; two townships within the District of Nipissing lying north of Lake Temiscamingue; and one township in the territory lying between Lake Nipissing and the Spanish river, and in either the District of Nipissing or the District of Algoma.

Selection of townships to be set apart.

2. The townships to be set apart as aforesaid may be selected from those already surveyed or to be surveyed under the authority of the Department of Crown Lands and may be selected by agents appointed respectively by the Lieutenant-Governor in Council and the trustees of the said University of Toronto for that purpose, and in case of any difference of opinion between the said agents in making the said selection, such difference shall be determined by the Commissioner of Crown Lands.

Sale and control of lands.

3. The lands in the said townships shall be sold at the same price and shall be controlled and managed by the Department of Crown Lands upon the same terms and conditions as other Crown Lands in the said localities.

Accounts of sales.

4. Separate accounts respecting the said lands and the moneys received from the sales thereof shall be kept by the proper officers and departments, and yearly accounts thereof shall be rendered to the said University from time to time, and all moneys derived from the sales thereof shall be paid over to the Bursar or other officer of the said University free from all charges or deductions for management or otherwise, and shall be applied and used as part of the income fund of the said University.

Where lands have been already sold.

5. In case it shall be found that any of the lands in the said townships have been already sold, the moneys received

from such sales shall be set apart and paid to the said University for the purposes provided in this Act. Squatters on any of the said lands shall be treated in the same manner as squatters upon ordinary Crown Lands.

Reservation of pine timber.

6. The pine timber on the said lands shall be reserved for the uses of the Crown in this Province, and in case any lands selected as aforesaid form part of timber berths already disposed of, the said lands shall be held for the University subject to the rights of the licensee of the said timber berths or his lawful assigns.

7. In discharge of all claims whatsoever against the Province other than the claim respecting the lands aforesaid, there shall be paid annually to the Bursar of the University, out of the consolidated revenues of the Province, the sum of $7,000. The said sum shall be applied *by* the University from year to year towards making better provision for instruction in Mineralogy, Geology, Mechanics and Engineering and the encouragement of scientific investigation and discoveries in connection with the undeveloped mineral resources of the Province.

University to release all other claims against Government.

8. The said University of Toronto shall by an instrument under its corporate seal to be approved by the Lieutenant-Governor in Council, declare its acceptance of the terms and conditions set forth in the preamble and enacting clauses of this Act, and shall release and forever discharge Her Majesty as representing the Province of and from the alleged claim for or in respect of the said 138,424 acres of land, be the same more or less, and of and from all other claims in respect of principal or interest alleged to be payable to the University, on account of the occupation of University lands or advances made out of University funds and all other claims whatsoever.

Declaration as to lands set apart.

9. Upon such instrument being so executed and approved and upon the selection of the townships being made by the said agents and approved by the Commissioner of Crown Lands, the Lieutenant-Governor in Council may declare that the said lands have been set apart for the purposes aforesaid. and the said sum of $7,000 shall thereupon become an annual charge upon the consolidated revenues of the Province.

No. 69.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act providing for setting apart certain wild lands of the Crown for the use of the University of Toronto.

First Reading, 16th February, 1897.

(Reprinted for consideration in Committee of the Whole House.)

Mr. Ross.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 69.] **BILL.** [1897.

An Act setting apart certain wild lands of the Crown for the use of the University of Toronto, and for other purposes.

Preamble.

WHEREAS it is claimed by the University of Toronto that the Crown has not granted to it the quantity of land formerly set apart or appropriated by the Crown as an endowment of the University of Upper Canada, and that the grants actually made were less by 138,424 acres or thereabouts than the quantity to which the University of Upper Canada was entitled under and by virtue of the appropriation made by the Executive Government of Upper Canada with the sanction of the Imperial Government; and whereas such claim has *not been admitted*, but it is nevertheless deemed expedient to appropriate and set apart to and for the use of the said University *now known as the* University of *Toronto* the lands hereinafter mentioned; and whereas it is further claimed that by an agreement between the Imperial Government and the Canada Company, made on the 23rd day of May of 1826, the *said* Canada Company was to pay to the Province certain sums of money for the fee of certain lands of the Crown, out of which the sum of £1,000 per annum for a period of sixteen years was to be paid to King's College, now the University of Toronto; and whereas under the said agreement there was paid the sum of £4,500, and *it is claimed that* the remainder with interest is still due and owing; and whereas by an Act passed in the sixteenth year of Her Majesty's reign, the Crown acquired the right to take possession of certain University lands for public purposes, in the Queen's Park, in the city of Toronto, conditioned upon the payment to the Univeristy, upon "the ascertained value thereof of six per cent. per annum;" and whereas no payments have been made to the University under said Act, and whereas the Senate has made certain other claims on account of the *alleged* diversion of the funds

of the *said* University; and whereas it is expedient that all claims as aforesaid made by the said University, and all other claims (if any) arising out of any action of the Province with respect to the property of the University, or any part thereof before the passing of this Act, should be extinguished and forever set at rest so far as the Province of Ontario may be directly or indirectly liable;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Six townships may be set apart for University.

1. The Lieutenant-Governor in Council may set apart for the said University six townships of six miles square of the Crown Lands of this Province, and which may be selected in the following localities: three townships within the Rainy River District, one of which may be near Dryden *on Lake Wabigoon* between the towns of Port Arthur and Rat Portage; and the other two of which may be in the Seine River District or near the Lake of the Woods; two townships within the District of Nipissing lying north of Lake Temiscamingue; and one township in the territory lying between Lake Nipissing and the Spanish river, and in either the District of Nipissing or the District of Algoma.

Selection of townships to be set apart.

2. The townships to be set apart as aforesaid may be selected from those already surveyed or to be surveyed under the authority of the Department of Crown Lands and may be selected by agents appointed respectively by the Lieutenant-Governor in Council and the trustees of the said University of Toronto for that purpose, and in case of any difference of opinion between the said agents in making the said selection, such difference shall be determined by the Commissioner of Crown Lands.

Sale and control of lands.

3. The lands in the said townships shall be sold at the same price and shall be controlled and managed by the Department of Crown Lands upon the same terms and conditions as other Crown Lands in the said localities.

Accounts of sales.

4. Separate accounts respecting the said lands and the moneys received from the sales thereof shall be kept by the proper officers and departments, and yearly accounts thereof shall be rendered to the said University from time to time, and all moneys derived from the sales thereof shall be paid over to the Bursar or other officer of the said University free from all charges or deductions for management or otherwise, and shall be applied and used as part of the income fund of the said University.

Where lands have been already sold.

5. In case it shall be found that any of the lands in the said townships have been already sold, the moneys received

from such sales shall be set apart and paid to the said University for the purposes provided in this Act. Squatters on any of the said lands shall be treated in the same manner as squatters upon ordinary Crown Lands.

Reservation of pine timber.

6. The pine timber on the said lands shall be reserved for the uses of the Crown in this Province, and in case any lands selected as aforesaid form part of timber berths already disposed of, the said lands shall be held for the University subject to the rights of the licensee of the said timber berths or his lawful assigns.

Annual grant out of consolidated revenue fund.

7. In discharge of all claims whatsoever *either directly or indirectly* against the Province *of Ontario* other than the claim respecting the lands aforesaid, there shall be paid annually to the Bursar of the University, out of the consolidated revenues of the Province, the sum of $7,000. The said sum shall be applied *by* the University from year to year towards making better provision for instruction in Mineralogy, Geology, *and kindred subjects* and the encouragement of scientific investigation and discoveries in connection with the undeveloped mineral resources of the Province.

University to release all other claims against Government.

8. The said University of Toronto shall by an instrument under its corporate seal to be approved by the Lieutenant-Governor in Council, declare its acceptance of the terms and conditions set forth in the preamble and enacting clauses of this Act, and shall release and forever discharge Her Majesty as representing the Province of and from the alleged claim for or in respect of the said 138,424 acres of land, be the same more or less, and of and from all other claims in respect of principal or interest alleged to be payable to the University, on account of the occupation of University lands or advances made out of University funds and all other claims whatsoever.

Declaration as to lands set apart.

9. Upon such instrument being so executed and approved and upon the selection of the townships being made by the said agents and approved by the Commissioner of Crown Lands, the Lieutenant-Governor in Council may declare that the said lands have been set apart for the purposes aforesaid. and the said sum of $7,000 shall thereupon become an annual charge upon the consolidated revenues of the Province.

No. 69.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act providing for setting apart certain wild lands of the Crown for the use of the University of Toronto.

First Reading, 16th February, 1897.
Second Reading, 1st April, 1897.

(Reprinted as amended in Committee of the Whole House.)

Mr. Ross.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 70.] **BILL.** [1897.

An Act to amend The Consolidated Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 100 of *The Consolidated Assessment Act, 1892*, is amended by inserting after the word "August," in the sixth line the words: "if a by-law extending the time has not been passed." 55 V. c. 48, s. 100, amended.

2. Section 101 of the said Act is amended by inserting after the word "August," in the seventh line, the words: "if a by-law extending the time has not been passed." 55 V. c. 48, s. 101, amended.

3. Section 101 of the said Act is further amended by adding thereto the following subsection: 55 V. c. 48, s. 101, amended

(3) The council of any municipality may, on or before the first day of March of any year, pass a by-law extending the time for the return of the names of delinquents to the Clerk, until the 31st day of December, in any road division in the municipality, and in such case the Clerk shall enter the commutation for statute labour against the name of the delinquent in the collectors roll of the succeeding year, to be levied and collected as hereinbefore provided. Extending time for return of statute labor defaulters.

No. 70.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Consolidated Assessment Act.

First Reading, 18th February, 1897.

Mr. McLEAN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer of the Queen's Most Excellent Majesty.

No. 71.] **BILL.** [1897.

An Act to amend The Marriage Act, 1896.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 17 of *The Marriage Act, 1896*, is amended by striking out the word "each" in the second line and inserting the word "one" in lieu thereof. 59 V. c. 39, s. 17, subs. 1, amended.

2. Subsection 3 of section 17 of the said Act is repealed and following substituted therefor: 59 V., c. 39, s. 17, subs. 3, repealed.

(3) The affidavit may be in the form set forth in Schedule D. to this Act, and shall be made before the issuer of license or his deputy. Form of affidavit of applicant for license.

No. 71.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Marriage Act 1896.

First Reading, 18th February, 1897.

Mr. McLean.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 72.] BILL. [1897.

An Act to amend The Voters' List Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. Section 3 of *The Ontario Voters' List Act, 1889*, is amended by adding thereto the following subsection: 52 V. c. 3, s. 3 amended.

16. In towns where the municipal council thereof have passed by-laws in accordance with section 52 of *The Consolidated Assessment Act, 1892*, for taking the assessment between the 1st day of July and the 30th day of September in any year, the clerk of any such municipality shall immediately after the return by the assessor of the assessment rolls to him, and without waiting for the revision and correction thereof by the Court of Revision or Judge, make out the correct alphabetical list of all persons appearing by the assessment roll to be entitled to be voters in the said town in accordance with the provisions of this section. In certain towns clerk to proceed to make up list without waiting for Court of Revision.

No. 72.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Voters' List Act.

First Reading, 18th February, 1897.

Mr. McKay,
(Oxford).

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 73.] **BILL.** [1897.

An Act to amend The General Road Companies' Act.

HER MAJESTY, by and with the advice and consent of of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Owner or lessee of toll road to display red light on gates when closed.

1. Every person or municipal or other corporation, being the owner, lessee, or having control of any road or bridge upon which tolls are collected, shall cause a bright red light to be displayed upon every gate or toll bar on such road whenever the gate or bar is closed, during any period between sunset and sunrise, and in default shall be liable in an action for damages sustained by any person by reason of such default, and shall also incur a penalty of not less than $5 and not more than $20 for every such offence, which penalty may be recovered with costs in any court having jurisdiction to that amount by any person who may sue therefor.

No. 73.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The General Road Companies' Act.

First Reading, 18th February, 1897.

Mr. McKay,
(Oxford).

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 74.] BILL. [1897.

An Act respecting the Incorporation and Regulation of Joint Stock Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Companies' Act.* Short title.

2. Where the words following occur in this Act, or in any special Act incorporated with this Act, or in any letters patent and supplementary letters patent issued under this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appear:— Interpretation.

(*a*) "*The Gazette*" shall mean *The Ontario Gazette.* "*The Gazette.*"

(*b*) "Special Act" shall mean any Act incorporating, in the manner hereinafter mentioned, a company for any of the purposes within the scope of this Act, and with which this Act is incorporated, and also all Acts amending such Acts. R. S. O. 1887, c. 156, s. 2. "Special Act."

(*c*) "Letters patent" shall mean the letters patent, under the Great Seal of Ontario, incorporating or re-incorporating a company, as the case may be, for any purpose within the scope of this Act; "Letters patent;"

(*d*) "Supplementary letters patent" shall mean any letters patent, under the Great Seal of Ontario, granted to a company subsequent to the letters patent incorporating or re-incorporating the company; "Supplementary letters patent;"

(*e*) "License" shall mean any instrument, under the Great Seal of Ontario, by which any one or more of the powers within the scope of this Act is or are conferred upon any extra-provincial company;

"Company;" (*f*) "Company" shall mean any company which has been or is about to be incorporated or re-incorporated by special Act, or by letters patent under this Act, for any purpose or object to which the legislative authority of the Legislature of Ontario extends, except the construction and working of railways, and the business of insurance other than as provided by section 4 of *The Ontario Insurance Act*. R. S. O. 1877, c. 157, s. 4.

"Extra Provincial Company." (*g*) "Extra-Provincial Company" shall mean any duly incorporated company other than a company incorporated under the laws of the Province of Ontario;

"The undertaking;" (*h*) "The undertaking" shall mean the whole of the operations, works and business of every kind which the company is authorized to carry on;

"Real estate," "Land;" (*i*) "Real estate" or "land" shall include all messuages, lands, tenements, leaseholds and hereditaments of any tenure and all immovable real property of every kind;

(*j*) "Subscriber" shall mean any person who subscribes for stock in the memorandum of agreement of the company;

(*k*) "Memorandum of agreement" shall mean any agreement in writing to subscribe for stock in the company, and shall include any undertaking, under their hands and seals, entered into by any five or more persons with a view to the incorporation of the company, whether the said persons, or any of them, be petitioners for incorporation or not;

(*l*) "By-law" shall mean any enactment by the company under its corporate seal, which has been made by the directors of the company and sanctioned by a vote of not less than two-thirds in value of the shareholders present in person, or by proxy, at a general meeting of the company duly called for considering the subject of such by-law;

"Shareholder;" (*m*) "Shareholder" shall mean every subscriber to, or holder of stock in the company, and shall extend to and include the personal representatives of the shareholder. R. S. O. 1877, c. 157, s. 2.

"Proxy." (*n*) "Proxy" shall mean any person representing an absent shareholder and duly authorized to act for him at a meeting of the company by a writing, under his hand and seal, executed and dated within six months of the meeting at which the proxy acts, if the shareholder resides in the Province of Ontario, and within one year if he resides elsewhere.

"Court." (*o*) "Court" shall mean the County Court of the county or united counties within which the head-office of the company is situated, and "Judge" shall mean the Judge or one of the Judges of the said Court.

INCORPORATION BY SPECIAL ACT.

Special Act. **3.** When not otherwise expressly enacted, this Act shall apply to every joint stock company subject to the legislative authority of the Legislature of this Province and incorporated

This Act to be incorporated

by any special Act, and this Act shall be deemed to be incorporated with every such special Act; and all the clauses and provisions of this Act as to the use of the word "limited," which shall be the last word in the name of such company, and as to the making of returns and otherwise, shall, unless they are expressly varied or excepted by the special Act, apply to the company thereby chartered, so far as applicable thereto, and shall, as well as the clauses and provisions of every other Act incorporated with the special Act, form part of the special Act, and be construed together therewith as forming one Act. R. S. O. 1887, c. 156, s. 4. Acts incorporating companies. with special

4. For the purpose of incorporating this Act, or any of its provisions with a special Act incorporating a company, it shall be sufficient in the special Act to enact that the clauses of this Act, or such of them as in such Act may be particularly designated to that end, shall be incorporated with the special Act; and thereupon, all such clauses, save in so far as they are expressly varied or excepted by the special Act, shall be construed as if the same were formally embodied and reproduced therein. R. S. O. 1887, c. 156, s. 5. How incorporated with Acts.

5. Every company incorporated under a special Act shall be a body corporate and politic, under the name declared in the special Act, with perpetual succession and a common seal, and capable forthwith of exercising all the functions of an incorporated company, and by its corporate name of suing and being sued, pleading and being impleaded in all Courts whether of Law or Equity, and with all the powers in the special Act set forth. R. S. O. 1887, c. 156, s. 6. General corporate powers of every such company. Completion of incorporation.

Incorporation of Letters Patent.

6. The Lieutenant-Governor-in-Council may, by letters patent, grant a charter to any number of persons, not less than five, who shall petition therefor, creating and constituting such persons and any others who have, or may become subscribers to the memorandum of agreement, a body corporate and politic for any of the purposes within the scope of this Act. Companies formed for certain purposes may be incorporated by letters patent.

7. The applicants for incorporation, who must be of the full age of twenty-one years, may petition the Lieutenant-Governor, through the Provincial Secretary, for the issue of letters patent. The petition of the applicants shall show: Petition.

(*a*) The proposed corporate name of the company with the word "Limited" as the last word thereof;—such name shall not on any public ground be objectionable and shall not be that of any known company, incorporated or unincorporated, or of any firm, or partnership, or so nearly resembling the same as to deceive; provided, however, that a subsisting company, or partnership, desirous of retaining its Name to be free from objection.

name and being dissolved, or otherwise determined, with a view to its incorporation under this Act, may ask that its said name, in whole or in part, be granted to the new company.

Object.

(*b*) The object, simply stated, for which the company is to be established.

Head-office and place of service.

(*c*) The place within the Province of Ontario where the head-office of the company shall be situated, and where its principal books of account and its corporation records shall be kept and to which all communications and notices may be addressed.

Capital.

(*d*) The amount of the capital stock of the company;

Shares.

(*e*) The number of shares and the amount of each share;

Names of applicants.

(*f*) The name in full, the place of residence and the calling of each of the applicants, with special mention of the names of not less than three of their number who are to be the provisional directors of the company. R. S. O. 1877, c. 157, s. 6.

Petition.

(*g*) The petition may be similar to, but in its essential features shall comply with, Schedule "B" to this Act, and must be accompanied by a memorandum of agreement, executed in duplicate, which may be similar to, but which shall in its essential features comply with, Schedule "A" to this Act; such petition shall be duly executed, and shall show, respectively, the amount of stock taken by each applicant, and also the amount, if any, paid in upon the stock of each applicant, and whether paid in in cash, by transfer of property to a trustee, or otherwise.

Memo. of agreement.

Payments on stock.

(*h*) In case the amount has been paid in by transfer of property to a trustee, the Provincial Secretary may require such evidence as shall be satisfactory to him of said transfer and of the kind, nature and value of the property and the manner in which, and the person or persons or corporate body by whom the property transferred, or any other payment, is held in trust for the company with a view to its incorporation.

Bona fides.

(*i*) Each petitioner shall be the *bona fide* holder in his own right of the share, or shares for which he has subscribed in the memorandum of agreement.

(*j*) The petition may ask for the embodying in the letters patent of any provision which, otherwise under this Act, might be embodied in any by-law of the company when incorporated. R. S. O. 1887, c. 157, s. 7.

Notice may be required.

8. Whenever he considers notice of an application for letters patent or for supplementary letters patent to be necessary or desirable in the public interest, the Provincial Secretary may require notice thereof to be given in *The Gazette*, or in one or

more newspapers, or in any other form or manner which shall appear to him to be proper in the premises; provided, however, that in every case where any public or private interest is liable to be adversely affected or prejudiced by the granting of letters patent, due notice of the intended application shall be given in three consecutive issues of *The Gazette*, and in any other manner which shall be approved of and be directed by the Provincial Secretary.

Preliminary conditions to be established.

9. Before the letters patent are issued, the applicants must establish to the satisfaction of the Provincial Secretary, or such other officer as may be charged by order of the Lieutenant-Governor-in-Council to report thereon, the sufficiency of their memorandum of agreement and petition, and show that the proposed name is not open to objection under the seventh section of this Act. R. S. O. 1887, c. 157, s. 10, *in part*.

Proof of matters under this Act.

10. The Provincial Secretary, the Assistant Provincial Secretary, or such other officer may for the purposes aforesaid, or for any other purpose under this Act, take any requisite evidence in writing under oath, or affirmation. R. S. O. 1887, c. 157, s. 11.

(*a*) Proof of any matter which may be necessary to be made under this Act, may be made by statutory declaration, or by affidavit, or by deposition before the Provincial Secretary, or Assistant Provincial Secretary, or before any Justice of the Peace, or Commissioner for taking Affidavits, or Notary Public, who, for this purpose, are hereby authorized and empowered to administer oaths or to take affirmations. R. S. O. 1887, c 157, s. 11, ss. 2.

Name and incidental powers of company may be varied.

11. The letters patent shall recite such of the material averments of the memorandum of agreement and petition, so established, as the Lieutenant-Governor may find convenient to insert therein, and the Lieutenant-Governor may, if he thinks fit, give to the company a corporate name wholly or partially different from the name proposed by the applicants in their petition, and may in the letters patent vary the expressed incidental or subsidiary powers, if any, of the company from the incidental or subsidiary powers, if any, stated in the said petition, provided the said powers of the company as stated in the letters patent are of a character similar to those contained in the petition. R. S. O. 1887, c. 157, s. 12.

Notice of issuing letters patent.

12. Notice of the granting of the said letters patent shall be given forthwith by the Provincial Secretary in *The Gazette* in the form of Schedule "C" to this Act; and from the date of the letters patent the petitioners as well as the persons who signed the memorandum of agreement and their successors, respectively, shall be a body corporate and politic by the name mentioned therein, with perpetual succession and a

Completion of incorporation.

common seal and capable forthwith of exercising all the functions of an incorporated company as if incorporated by a special Act of the Legislature of Ontario and, by its corporate name, of suing and being sued, pleading and being impleaded in all Courts whether of Law or Equity and with all the incidental powers in this Act, or in the letters patent set forth. R. S. O. 1887, c. 157, s. 13.

Notice to be given by the company.

(*a*) A copy of every such notice shall by the company, to which such notice relates, be inserted forthwith in three consecutive issues of, at least, one newspaper published in the city, town, village or other place where the head-office of the Company is established, or as near thereto as may be.

AMALGAMATION OF COMPANIES.

Amalgamation of companies.

13. Any two companies incorporated under the laws of this Province and having objects within the scope of this Act may unite, amalgamate and consolidate their stock, property, businesses and franchises, and may enter into all contracts and agreements therewith necessary to such union and amalgamation. R. S. O. 1887, c. 169, s. 76 *amended.*

Joint agreement between directors proposing to amalgamate, etc.

(*a*) The directors of the two companies proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement, to be executed in triplicate, under the corporate seal of each of the said companies, for the amalgamation and consolidation of the said companies, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new company, of which the last word shall be the word "Limited," the number of the directors and other officers thereof, and who shall be the first directors and officers thereof and their places of residence, the number of shares of the capital stock, the amount of par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation, and how, and when, and for how long, not exceeding two years, directors and other officers of the new corporation shall be elected, and when elections shall be held, with such other details as they deem necessary to perfect the new organization and the consolidation and amalgamation of the said companies, and the after management and working thereof. R. S. O. 1887, c. 169, s. 77 *amended.*

To be submitted to shareholders of each company for consideration.

(*b*) The agreement shall be submitted to the shareholders of each of the said companies at a meeting thereof to he held separately for the purpose of taking the same into consideration; notice of the time and place of the meetings and the object thereof shall be given by written or printed notices, addressed to every shareholder of the said companies respectively at his last known post-office address or place of residence, and also by a general notice to be published in a newspaper published at the chief place of business of each of such companies once a week for three successive weeks. R. S. O. 1887, c. 169, s. 78.

(*c*) At such meetings of shareholders, the agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same, and each share shall entitle the holder thereof to one vote, and the ballots shall be cast in person or by proxy; and if two-thirds of the votes of all the shareholders of each of such corporations are for the adoption of the agreement, then that fact shall be certified upon the agreement by the secretary of each of such companies under the corporate seal thereof; and if the agreement is so adopted at the respective meetings of the shareholders of each of the said companies, the companies by their joint petition may, through the Provincial Secretary, apply to the Lieutenant-Governor-in-Council for letters patent confirming the said agreement.

Vote by ballot to be taken.

(*d*) With their joint petition, the companies shall deposit with the Provincial Secretary, one of the triplicate copies of the agreement, and shall furnish such further and other documents and evidence in this behalf as the Provincial Secretary shall require, and the Lieutenant-Governor-in-Council may by letters patent confirm such agreement, and on and from the date of the letters patent, confirming the said agreement, and from such date only, the said companies shall be deemed and taken to be amalgamated and consolidated and to form one corporation by the name in the said agreement and letters patent provided, with a common seal, and shall possess all the rights, privileges, and franchises and be subject to all the disabilities and duties of each of such corporations so consolidated and united. R. S. O. 1887, c. 169, s. 80, *amended.*

Upon completion of consolidation, the new corporation to possess rights, powers, etc., and be subject to duties, etc., of each of united societies.

(*e*) Upon the consummation of such act of consolidation as aforesaid, all and singular the business, property, real, personal and mixed, and all rights and interests appurtenant thereto, all stock, mortgages or other securities, subscriptions and other debts due on whatever account, and other things in action belonging to such corporations or either of them, shall be taken and deemed to be transferred to and vested in such new corporation without further act or deed.

All property and rights vested in new corporation without further act or deed.

(*f*) All rights of creditors and liens upon the property of either of such corporations shall be unimpaired by such consolidation, and all debts, liabilities and duties of either of the said corporations shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it.

Proviso as to rights of creditors, etc., of either of corporations.

(*g*) No action or proceeding, by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding, such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof. R. S. O. 1887, c. 169, s. 81.

Proviso as to actions against.

Notice in *Gazette*.

(*h*) The Provincial Secretary shall give in *The Gazette* such a notice respecting the amalgamation of the said companies as shall appear to him to be proper in the premises.

Extra-Provincial Companies.

Extra-provincial companies.

14. Unless otherwise provided by the statutes of this Province, no extra-provincial company having gain for its purpose and object, and requiring for such purpose and object to hold land, shall carry on any of its business within this Province unless and until it shall have received from the Lieutenant-Governor-in-Council a license under this Act expressly authorizing the company to carry on such of its business as is specified in the license, and no company, firm, broker or other person shall as the representative or agent of, or acting in any other capacity for any such extra-provincial company, carry on any of its business within this Province until such company shall have obtained such license, and any such company which fails or neglects to obtain such license shall incur a penalty of $50 for every day during which it carries on business in contravention of this section; provided that this section shall not apply until the first day of July, 1897, to any extra-provincial company carrying on business within this Province on the date of the passage of this Act, and further provided that proof as to compliance with this section shall at all times be upon the company.

Certain powers, etc., may be granted by license.

15. Any extra-provincial company desiring to carry on any of its business that is within the scope of this Act, within the Province of Ontario, may, through the Provincial Secretary, petition the Lieutenant-Governor-in-Council for a license so to do, and the Lieutenant-Governor-in-Council may thereupon authorize such extra-provincial company from the date of such license to use, exercise, and enjoy any powers, privileges and rights set forth in the said license. R. S. O. 1887, c. 157, s. 3. *Amended.*

Copy of Act or other instrument of incorporation to be deposited with Provincial Secretary.

(*a*) No such license shall be issued until such extra-provincial company has deposited in the office of the Provincial Secretary a true copy of the Act of Parliament, charter or other instrument incorporating the company, verified in the manner which may be satisfactory to the Lieutenant-Governor-in-Council, together with a duly executed power of attorney, under its common seal, empowering some person therein named and residing in the city, town, village, or other place where the head-office of the company in the Province of Ontario is situated to act as its attorney and to sue and be sued, plead or be impleaded in any Court, and, generally on behalf of such company and within the said Province, to accept service of process and to receive all lawful notices, and to do all acts and to execute all deeds and other instruments relating to the matters within the scope of the power of attorney and of the company to give to its attorney, and such company may from

Power of Attorney.

time to time by a new or other power of attorney, executed and deposited as aforesaid, appoint another attorney within the Province for the purposes aforesaid to replace the attorney formerly appointed. The power of attorney may be according to a form approved of and provided by the Provincial Secretary.

(*b*) Notice of the granting of the said license shall be given forthwith by the Provincial Secretary in *The Gazette* in the form of Schedule "D" to this Act.

Evidence of having been licensed.

(*c*) The license, or any exemplification thereof under the Great Seal of Ontario, shall be sufficient evidence in any proceeding in any Court in this Province, of the due licensing of the company as aforesaid.

(*d*) Every company obtaining a license as aforesaid shall forthwith give in three consecutive issues of *The Gazette* and of at least one newspaper published in the city, town, village or other place where the head-office of the company in Ontario is situated, or as near thereto as may be, a notice of the fact that it has been licensed and setting forth, generally, its powers under its said license, and, in its said notice, it shall state the name and post-office address of its said attorney; and a like public notice shall be given of the appointment, if any, of a new attorney, or of the ceasing of the company to carry on business within the Province under its said license.

Substitutional service of process.

(*e*) If the power of attorney becomes invalid or ineffectual from any reason, or if other service cannot be effected, the Court or Judge may order substitutional service of any process or proceeding to be made by such publication as is deemed requisite to be made in the premises, for at least three weeks in at least one newspaper; and such publication shall be held to be due service upon the corporation of such process or proceeding.

(*f*) An extra-provincial company licensed as aforesaid, shal on or before the 8th day of February in every year during the continuance of such license, make to the Provincial Secretary a statement of its affairs according to a form which shall have been approved of by the Lieutenant-Governor-in-Council for the purpose.

(*g*) The Lieutenant Governor-in-Council may, by an order-in-council, to be published by the Provincial Secretary in three consecutive issues of *The Gazette*, suspend, or revoke and make null and void any license granted, under this section, to any company which refuses or fails to comply with any of the provisions of this section, and, notwithstanding such suspension or revocation, the rights of creditors of the company shall remain as at the time of such suspension or revocation.

Subsisting companies may apply under this Act.

16. In case a resolution, authorizing an application to the Lieutenant-Governor therefor, is passed by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at a general meeting of the company duly called for considering the subject of such resolution, any company heretofore incorporated, whether under a special or a general Act of the Legislature of Ontario, for purposes or objects and possessing powers and rights within the scope of this Act, or within the scope of this Act as it may be hereafter amended, and being at the time of its application a subsisting and valid corporation, may petition the Lieutenant-Governor, through the Provincial Secretary, for the issue of letters patent bringing the company within the provisions of this Act; and the Lieutenant-Governor-in-Council may direct the issue of letters patent re-incorporating the shareholders of the said company as a company under this Act, and, thereupon, the former company shall, as such company, cease to exist and all the obligations of the former company shall be transferred to the new company, and all proceedings may be continued and commenced by or against the new company that might have been continued, or commenced by or against the old company, and it shall not be necessary in such letters patent to set out the names of the shareholders; and after the issue of the letters patent, the company shall be governed in all respects by the provisions of this Act and of the letters patent, except that the liability of the shareholders to creditors of the old company shall remain as at the time of the issue of the letters patent. R. S. O. 1887, c. 157, s. 72.

(*a*) Whenever the Provincial Secretary considers that public notice of an intended application under this section should be given, he may require such notice to be published in *The Gazette*, or otherwise as he thinks proper.

Increase or decrease of capital.

(*b*) When a company is re-incorporated under this section the Lieutenant-Governor may, by the letters patent, increase or decrease the capital stock of the company to any amount which the shareholders of the company applying for re-incorporation may, by their said resolution and petition, have declared to be requisite for the due carrying out of the undertaking of the company, or to such other amount as to the Lieutenant-Governor may seem proper.

Allotment of stock.

(*c*) The said resolution may prescribe the manner in which the new stock is to be allotted; and in default of its so doing, the control of the allotment shall vest absolutely in the directors of the new company. R. S. O. 1887, c. 157, s. 72, ss. 2 and 3.

Existing companies may apply for extended powers.

(*d*) Where an existing company applies for the issue of letters patent under the provisions of this section, the Lieutenant-Governor may, by the letters patent, extend, vary or limit the powers of the company as the applicants desire or as the

the Lieutenant-Governor thinks fit, and he may, by the said letters patent, name the first directors of the new company, and the letters patent may be to the new company by the name of the old company, or by any other name of which the last word shall be the word "Limited." R. S. O. 1887, c. 157, s. 73. *Amended.*

(*e*) Notice of the granting of the said letters patent shall be given forthwith by the Provincial Secretary in *The Gazette*.

(*f*) A copy of every such notice shall forthwith be, by the company to which such notice relates, inserted in three consecutive issues of at least one newspaper published in the city, town, village, or place where the head-office of the company is established, or as near thereto as may be.

Incidental Powers of Companies.

17. Unless otherwise provided by its special Act, or by its letters patent or supplementary letters patent, as the case may be, or by its By-laws, every company incorporated or re-incorporated under this Act, shall, in addition to its other powers, possess power:

(*a*) To alter, or change its common seal at pleasure; **Seal.**

(*b*) To take over, acquire, hold, use, sell and convey such personal property and movables, machinery, trade-marks, patents, licenses, and franchises or rights thereunder as may be deemed necessary, or expedient for the purposes for which the company is constituted; **Personal property.**

(*c*) To erect on its property such works, shops, mills, buildings, houses and structures, and to make such improvements of what kind soever as may be convenient or necessary for the due carrying out of its undertaking; **Building.**

(*d*) To construct and maintain, or aid in the construction and maintenance of such works and improvements as may be deemed necessary, or advantageous to the due carrying out of its undertaking; **Construction and maintenance of useful works.**

(*e*) To exercise and enjoy all the privileges and immunities and to do all acts requisite, or incidental to the due carrying on of its undertaking; **General powers.**

(*f*) To carry on any branch or branches of business incidental to the due carrying out of the object or principal class of business for which the company was incorporated, and subsidiary thereto, and necessary to enable the company profitably to carry on its undertaking and to use the property acquired by the company for the purpose of its said principal business, but such incidental branch or branches of business shall not be such as to enable the company to carry on separate or distinct classes of business. **Branches of business.**

Real estate.

(*g*) To acquire by purchase, lease, or other legal title, and to hold, use, sell, alienate and convey any real estate necessary for the carrying on of its undertaking, but no conveyance or mortgage of its real estate, or lease thereof for more than one year, shall be made unless authorized by a by-law passed for the purpose, and the company shall upon its incorporation become and be invested with all the property and rights, real and personal, theretofore held by or for it under any trust created with a view to its incorporation.

Restrictions as to holding real estate.

Provided, however, that, unless other special statutory enactments apply, no parcel of land, or interest therein at any time acquired by the company and not required for its actual use and occupation, or not held by way of security, or not situate within the limits, or within one mile of the limits of any city or town in this Province, shall be held by the company, or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the company shall no longer retain any interest therein unless by way of security; and further provided, that any such parcel of land, or any interest therein not within the exceptions hereinbefore mentioned, which shall be held by the company for a longer period than seven years, without being disposed of, shall be forfeited to Her Majesty for the use of this Province; and further provided, that no such forfeiture shall take effect, or be enforced until the expiration of at least six calendar months after notice in writing to the company of the intention of Her Majesty to claim such forfeiture; and it shall be the duty of the company to give the Lieutenant-Governor-in-Council, when required, a full and correct statement of all lands at the date of such statement held by the company, or in trust for the company, and subject to these provisoes.

Forfeiture.

Borrowing powers.

18. If authorized by by-law, the directors of the company may:

(*a*) Borrow money upon the credit of the company;

(*b*) Limit or increase the amount to be borrowed;

Power to issue bonds or debentures, and

(*c*) Issue the bonds, debentures, or other securities of the company for the lawful purposes of the company, and no other, and may pledge or sell the same for such sums and at such prices as may be deemed expedient or be necessary; but no such bonds, debentures, or other securities shall be for a less sum than one hundred dollars each, and

to grant mortgages.

(*d*) Hypothecate, mortgage or pledge the real or personal property of the company, or both, to secure any such bonds, debentures or other securities and any sum or sums so borrowed for the purposes of the company. R. S. O. 1887, c. 157, s. 38.

19. A company incorporated by letters patent under the provisions of this Act for the manufacture of cheese, may without obtaining supplementary letters patent carry on the business of manufacturing and selling butter, provided the shareholders shall by by-law determine to extend its business so as to include the manufacture and sale of butter. 55 V. c. 35, s. 1. Companies for manufacturing cheese authorized to manufacture and sell butter.

EXTENSION OF POWERS.

20. In case a resolution, authorizing an application by petition to the Lieutenant-Governor therefor, is passed by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at a general meeting of the company, duly called for considering the subject of such resolution, the Lieutenant-Governor-in-Council may, from time to time, direct the issue of supplementary letters patent to the company embracing any or all of the following matters: Additional powers which may be granted by Supplementary Letters Patent.

(*a*) Extending the powers of the company to any objects within the scope of this Act, which the company may desire. R. S. O. 1887, c. 157. s. 26, ss. 1, [illegible]

(*b*) Varying any provision contained in the letters patent, so long as the alteration desired is not contrary to the provisions of this Act;

(*c*) Making provision for any other matter or thing in respect of which provision might have been made by the original letters patent. R. S. O. 1887, c. 157, s. 26.

21. Where any company has been incorporated by a special Act for purposes or objects within the scope of this Act, then, in case a resolution authorizing an application by petition to the Lieutenant-Governor therefor is passed by a vote of not less than two-thirds in value of the shareholders present in person, or by proxy, at a general meeting of the company, duly called for considering the subject of such resolution, the Lieutenant-Governor-in-Council may, from time to time, direct the issue of letters patent to the company, embracing any or all of the following matters: Letters Patent for certain purposes may be granted to companies incorporated under special Acts.

(*a*) Extending the powers of the company to any objects within the scope of this Act, which the company may desire. R. S. O. 1887, c. 157, s. 78, ss. 1,

(*b*) Limiting or increasing the amount which the company may borrow upon debentures, or otherwise;

(*c*) Providing for the formation of a reserve fund;

(*d*) Varying any provision contained in the special Act, so long as the alteration is not contrary to the provisions of this Act;

(*e*) Making provision for any other matter or thing in respect of which provision might have been made had the company been incorporated under this Act.

Notices, Summons, Actions, Etc.

Mode of incorporation, etc, how to be set forth in legal proceedings.

22. In an action or other proceeding, it shall not be requisite to set forth the mode of incorporation of the company, otherwise than by mention of it under its corporate name, as incorporated by virtue of a special Act, or of letters patent, or of letters patent and supplementary letters patent, as the case may be, under this Act; and the letters patent, or supplementary letters patent themselves, or any exemplification, or copy thereof under the Great Seal, shall be conclusive proof of every matter and thing therein set forth. R. S. O. 1887, c. 157, s. 69.

Evidence of by-laws.

23. A copy of any by-law of the company, under its seal, and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of the by-law in all Courts in Ontario. R. S. O. 1887, c. 157, s. 40.

Service of summons, etc.

24. Any summons, notice, order or other process or document requiring to be served upon the company may be served by leaving the same at the head-office of the company with any adult person in the employ of the company, or with the president, or secretary of the company, or by leaving the same at the domicile of either of them, or with any adult person of his family or in his employ, or if the company has no head-office and has no known president, or secretary, the court may order such publication as it deems requisite to be made in the premises, and such publication shall be held to be due service upon the company.

Authentication of summons and notices.

25. Any summons, notice, order or proceeding requiring authentication by the company may be signed by any director, manager or other authorized officer of the company, and need not be under the seal of the company.

Service of notices.

26. A notice to be served by the company upon a shareholder may be served either personally or by sending it through the post, in a registered letter, addressed to the shareholder at his place of abode as it last appeared on the books of the company.

Time of service.

Proof of service.

27. A notice or other document served by post by the company on a shareholder shall be held to be served at the time when the registered letter containing it would be delivered in the ordinary course of post; and to prove the fact and time of service it shall be sufficient to prove that such letter was properly addressed and registered, and was put into the post-office, and the time when it was put in, and the time requisite for its delivery in the ordinary course of post.

Actions between company and shareholders.

28. Any description of action may be prosecuted and maintained between the company and any shareholder thereof, and no shareholder shall, by reason of being a shareholder, be incompetent as a witness therein.

Capital, Shares, Etc.

Increase of capital.

29. The company at any time after nine-tenths of the capital stock of the company has been subscribed and ten per centum thereon paid in, but not sooner, may, by a by-law, provide for the increase of the capital stock of the company to any amount which it considers requisite for the due carrying out of the undertaking of the company.

(*a*) The by-law shall declare the number and value of the shares of the new stock, and may prescribe the manner in which the same are to be allotted; otherwise, the control of such allotment shall vest absolutely in the directors. R. S. O. 1887, c. 157, s. 18.

Reduction of capital.

30. The company if it sees fit at any time, may, by a by-law, provide for the decrease of the capital stock of the company to any amount which it may consider sufficient for the due carrying out of the undertaking of the company and advisable.

By-law for that purpose.

(*a*) The by-law shall declare the number and value of the shares of the stock as so decreased; and the allotment thereof or the rule or rules by which the same is to be made.

Liability of shareholders on decrease.

(*b*) The liability of shareholders to persons who are, at the time of the reduction of the capital, creditors of the company, shall remain as though the capital had not been decreased. R. S. O. 1887, c. 157, s. 20.

Sub-division of shares.

31. The company may at any time, by a by-law, provide for the sub-division of the existing shares into shares of smaller amount. R. S. O. 1887, c. 157, s. 17.

Such by-laws must be confirmed by supplementary letters patent.

32. No by-law for increasing or decreasing the capital stock of the company, or sub-dividing the shares, shall have any force or effect whatever unless and until it has been confirmed by supplementary letters patent. R. S. O. 1887, c. 157, s. 21.

Petition for supplementary letters patent.

33. At any time not more than six months after the sanction of such by-law, the company may petition the Lieutenant-Governor, through the Provincial Secretary, for the issue of supplementary letters patent to confirm the same.

By-law, etc., to be produced with petition.

(*a*) With the petition the company shall produce the by-law and establish to the satisfaction of the Provincial Secretary, or of such other officer as may be charged by order of the Lieutenant-Governor-in-Council to report thereon, the due passage and sanction of the by-law, and if the petition is in respect of the increase or decrease of capital, the *bona fide* character of the increase or decrease of capital thereby provided for.

Granting of supplementary letters patent.

(*b*) Upon due proof so made, the Lieutenant-Governor-in Council may by supplementary letters patent confirm the by-law in whole or in part, and, with respect to an increase

or decrease in capital, may, by the supplementary letters patent, fix the amount of such increase or decrease at such sum as shall to him seem proper; and notice thereof shall be given forthwith by the Provincial Secretary in *The Gazette*, in the form of the Schedule "E" to this Act; and thereupon, from the date of the supplementary letters patent, the shares shall be subdivided, or the capital stock of the company shall be and remain increased or decreased, as the case may be, to the amount, in the manner, and subject to the conditions set forth by such by-law, unless varied by the Lieutenant-Governor by the said supplementary letters patent; and the whole of the stock as so increased or decreased shall become subject to the provisions of this Act in like manner (so far as may be) as though every part thereof had formed part of the stock of the company originally subscribed. R. S. O. 1887, c. 157, s. 23.

Notice thereof.

Effect of such letters patent.

Restriction as to transfers.

34. No share shall be transferable until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon. R. S. O. 1887, c. 157, s. 48.

Company not to be liable in respect of trusts, etc.

35. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the shareholder in whose name the same stands on the books of the company shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, whether or not notice of the trust has been given to the company; and the company shall not be bound to see to the application of the money paid upon such receipt. R. S. O. 1887, c. 157, s. 58.

Stock, Calls, Etc.

Stock, personal estate.

36. The stock of the company shall be deemed personal estate, and shall be transferable on the books of the company, in such manner only, and subject to all such conditions and restrictions as by this Act, or by the special Act, or by the letters patent or by-laws of the company may be prescribed. R. S. O. 1887, c. 157, s. 41.

Directors may disallow transfer of stock in certain cases.

Their liability if they allow transfers to persons without means.

37. The directors may refuse to allow the entry, in any such book, of any transfer of stock whereof the whole amount has not been paid in; and whenever entry is made in such book of any transfer of stock not fully paid in, to a person not being of apparently sufficient means, the directors, jointly and severally, shall be liable to the creditors of the company in the same manner and to the same extent as the transferring shareholder, but for such entry, would have been; but if any director present when such entry is allowed, forthwith, or if any director then absent, within twenty-four hours after he has become aware thereof and able so to do, enters in the minute-book of the board of directors his protest against the same, and within eight days thereafter causes such protest to be

notified, by registered letter, to the Provincial Secretary, such director may thereby, and not otherwise, exonerate himself from such liability. R. S. O. 1887, c. 157, s. 51; R. S. O. 1887, c. 156, s. 27. *Amended.*

How director may exonerate himself.

38. No transfer of stock, unless made by sale under execution, or under the order or judgment of some competent Court in that behalf, shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable, *ad interim* jointly and severally with the transferor, to the company and its creditors, until entry thereof has been duly made in the books of the company. R. S. O. 1887, c. 157, s. 52.

Transfer valid only after entry.

39. If the special Act or the letters patent make no other definite provision, the stock of the company, so far as it is not allotted thereby, shall be allotted when and as the directors by by-law or otherwise ordain. R. S. O. 1887, c. 157, s. 42.

Allotment of stock.

40. The directors of the company may call in and demand from the shareholders thereof, respectively, all sums of money by them subscribed, at such times and places and in such payments or instalments as the special Act or the letters patent, or this Act, or the by-laws of the company require or allow; and interest shall accrue and fall due at the legal rate for the time being, upon the amount of any unpaid call, from the day appointed for payment of such call. R. S. O. 1887, c. 157, s. 44.

Calling in instalments.

41. Not less than ten per centum upon the allotted stock of the company shall, by means of one or more calls formally made, be called in and made payable within one year from the incorporation of the company; the residue, when and as the by-laws of the company direct. R. S. O. 1887, c. 157, s. 45.

Calls.
Ten per cent. within first year.

42. The company may enforce payment of all calls and interest thereon by action in any court of competent jurisdiction; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to state that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action has accrued to the company under this Act; and a certificate under the seal and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder, that such call or calls has or have been made and that so much is due by him and unpaid thereon, shall be received in all Courts as *prima facie* evidence to that effect. R. S. O. 1887, c. 157, s. 46.

Enforcement of payment of calls by action.

Forfeiture of shares.

43. If after such demand or notice as by the special Act, or by the letters patent or by-laws of the company is prescribed, any call made upon any share or shares is not paid within such time as by such Act, or by such letters patent or by-laws may be limited on that behalf, the directors in their discretion, by vote to that effect, reciting the facts and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made; and the same shall thereupon become the property of the company and may be disposed of as, by by-law or otherwise, the company may ordain. R. S. O. 1887, c. 157, s. 47.

Joint Stock Companies may issue preferential stock.

44. The directors of any company incorporated or re-incorporated under this Act may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law.

Powers to preference shareholders.

(*a*) The by-law may provide that the holders of such preference shares shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Sanction required to be preference shares.

(*b*) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders, present in person or by proxy at a general meeting of the company duly called for considering the same, or unanimously sanctioned in writing by the shareholders of the company; provided, however, that if the by-law be sanctioned by three-fourths in value of the shareholders of the company, the company may, through the Provincial Secretary, petition the Lieutenant-Governor-in-Council for an order approving the said by-law, and the Lieutenant-Governor may, if he sees fit, approve thereof, and from the date of such approval the by-law shall be valid and may be acted upon.

Rights and liabilities of holders of preference stock.

(*c*) Holders of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act, provided, however, that in respect of dividends and otherwise, they shall as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law.

(*d*) Nothing in this section shall affect or impair the rights of creditors of any company. R. S. O. 1887. c. 157, s. 24.

Directors and their Powers, Etc.

Rights of creditors continued.

45. The affairs of every company incorporated or re-incorporated under this Act shall be managed by a board of not

less than three directors who shall be elected by the shareholders in general meeting of the company assembled at some place within this Province. R. S. O. 1887, c. 157, *s. 29 and 32.* Board of directors.

46. The persons named as provisional directors in the special Act or in the letters patent shall be the directors of the company, until replaced by others duly elected in their stead. R. S. O. 1887, c. 157, s. 30. Provisional directors.

47. No person shall hold office as a director unless he is a shareholder owning stock absolutely in his own right, and not in arrear in respect of any call thereon, and where any person who is a director shall cease to be a *bona fide* holder of stock in the company, he shall thereupon cease to to be a director. R. S. O. 1887, c. 157, s. 31. Qualification of directors.

(*a*) The election of directors shall take place at the annual meeting, all the members of the board retiring, and (if otherwise qualified) being eligible for re-election. Yearly.

(*b*) Elections of directors shall be by ballot; Ballot.

(*c*) Vacancies occurring in the board of directors may, unless the by-laws otherwise direct, be filled for the unexpired remainder of the term, by the board, from among the qualified shareholders of the company; Vacancies.

(*d*) The directors shall, from time to time, elect from among themselves a president of the company; and shall also name, and may remove at pleasure, all other officers thereof. R. S. O. 1887, c. 157, s. 33 (3-6). President and officers.

48. If at any time an election of directors is not made, or does not take effect at the proper time, the company shall not be held to be thereby dissolved; but such election may take place at any general meeting of the company duly called for that purpose and held within three months of the date of the expiry of their term; and, in any event, the retiring directors shall continue in office until their successors are duly elected. R. S. O. 1887, c. 157, s. 34. Failure to elect directors, how remedied.

49.—(1) A company incorporated under this Act may by by-law increase or decrease the number of its directors, or may change the company's head-office in Ontario. Change of number of directors or of head office.

(*a*) No by-law, for either of the said purposes shall be valid or acted upon unless and until a copy of the by-law, certified under the seal of the company, has been transmitted to the Provincial Secretary, and also has been published once in *The Gazette*, R. S. O. 1887, c. 157, s. 35.

(*b*) In case the head-office of the company is being changed, as aforesaid, then the company shall forthwith give notice of the fact in three consecutive issues of some newspaper pub-

lished in the city, town, village or other place where its head-office has been established, and shall also give a like notice in the place to which the head-office of the company is being, or has been changed, and also in the place where the company has its chief place of business, if this differs from the place where its head-office is situated.

Powers and duties of directors.

50. The directors of the company shall have full power in all things to administer the affairs of the company ; and may make, or cause to be made for the company, any description of contract which the company may by law enter into. R. S. O. 1887, c 157, s. 36.

By-laws.

51. The directors may, from time to time, make by-laws not contrary to law, or to the special Act, or to the letters patent of the company, or to this Act, to regulate—

Stock.

(*a*) The allotment of stock ; the making of calls thereon ; the payment thereof ; the issue and registration of certificates of stock ; the forfeiture of stock for non-payment ; the disposal of forfeited stock and of the proceeds thereof ; the transfer of stock ;

Dividends.

(*b*) The declaration and payment of dividends ;

Directors.

(*c*) The term of service and the amount of the stock qualification of the directors.

Officers.

(*d*) The appointment, functions, duties and removal of all officers, agents and servants of the company ; the security to be given by them to the company ; and their remuneration ;

Meetings.

(*e*) The time at which, and place where the general meetings of the company shall be held ; the calling of meetings, regular and special, of the board of directors, and of the company ; the quorum ; the requirements as to proxies ; and the procedure in all things at such meetings ;

Fines.

(*f*) The imposition and recovery of all penalties and forfeitures admitting of regulation by by-law ; and

Conduct of affairs generally.

(*g*) The conduct in all other particulars of the affairs of the company ;

Confirmation of by-laws.

And may from time to time repeal, amend, or re-enact the same ; but every such by-law, and every repeal, amendment, or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company duly called for that purpose, shall only have force until the next annual meeting of the ompany ; and in default of confirmation thereat, shall, at and from that time only, cease to have force ; and in that case no new by-law to the same or like effect shall have any force until confirmed at a general meeting of the company ; provided, however, that the company shall have power either at the general meeting, called as aforesaid, or at the annual meeting

of the company, to repeal, amend, vary or otherwise deal with any by-laws which have been passed by the directors. R. S. O. 1887, c. 157, s. 37.

Payment to president or directors.

52. No by-law for the payment of the president or any director, shall be valid or acted upon until the same has been confirmed at a general meeting. R. S. O. 1887, c. 157, s. 37.

BOOKS TO BE KEPT AND WHAT TO CONTAIN.

Record books to be kept and what to contain.

53. The company shall cause the secretary, or some other officer especially charged with that duty, to keep a book or books wherein shall be kept recorded :—

(*a*) A copy of the special Act or of the letters patent incorporating the company and of any supplementary letters patent issued to the company, and of all by-laws thereof;

(*b*) The names, alphabetically arranged, of all persons who are or have been shareholders in the company;

(*c*) The post-office address and calling of every such person while such shareholder;

(*d*) The number of shares of stock held by each shareholder;

(*e*) The amounts paid in, and remaining unpaid, respectively, on the stock of each shareholder;

(*f*) The date and other particulars of all transfers of stock in their order; and

(*g*) The names, post-office addresses and callings of all persons who are or have been directors of the company; with the several dates at which each person became or ceased to be such director. R. S. O. 1887, c. 157, s. 50.

Penalty for false entries.

54. No director, officer or servant of the company shall knowingly make or assist to make any untrue entry in any such book, or shall refuse or neglect to make any proper entry therein; and any person violating the provisions of this section shall, besides any criminal liability which he may thereby incur, be liable in damages for all loss or injury which any person interested may have sustained thereby. R. S. O. 1887, c. 157, s. 55.

Powers of court as to entries in, omissions from, and rectification of books.

Books of account.

55. If the name of any person is, without sufficient cause, entered in or omitted from such book or books of the company, or if default is made or unnecessary delay takes place in entering in said books, the fact of any person having ceased to be a shareholder of the company, the person or shareholder aggrieved, or any shareholder of the company, or the company itself may by application to a judge apply for an order that the book or books be rectified, and the judge

Costs.

may either refuse such application with or without costs to be paid by the applicant, or he may, if satisfied of the justice of the case, make an order for the rectification of the said book or books, and may direct the company to pay all the costs of such motion or application and any damages the party aggrieved may have sustained. The judge may in any proceeding under this section, decide on any question relating to the title of any person who is a party to such proceeding to have his name entered in or omitted from the said books of the company, whether such question arises between two or more shareholders, or alleged shareholders, or between any shareholders or alleged shareholders, and the company, and, generally, the judge may in any such proceeding decide any question that it may be necessary or expedient to decide for the rectification of the said books; provided that the judge may direct an issue to be tried in which any question of law may be raised and an appeal shall lie, as in ordinary cases, before such court or judge.

Decision as to title.

Appeal.

Books to be open for inspection.

56. Such books shall during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders and creditors of the company, and their personal representatives or agents at the head-office, and every such shareholder, creditor, agent or representative, may make extracts therefrom. R. S. O. 1887, c. 157, s. 53.

Liability for refusal to allow inspection of books.

57. Any director or officer who refuses to permit any person entitled thereto to inspect such book or books, or make extracts therefrom, shall forfeit and pay to the party aggrieved the sum of $100; and in case the amount is not paid within seven days after the recovery of judgment, the court in which the judgment is recovered, or a judge thereof, may direct the imprisonment of the offender for any period not exceeding three months unless the amount with costs is sooner paid. R. S. O. 1887, c. 157, s. 56.

Books to be *prima facie* evidence.

58. Such books shall be *prima facie* evidence of all facts purporting to be thereby stated, in any action or proceeding against the company or against any shareholder. R. S. O. 1887, c. 157, s. 54.

59. The directors shall cause proper books of account to be kept containing full and true statements

(*a*) Of the company's financial and trading transactions;

(*b*) Of the stock-in-trade of the company;

(*c*) Of the sums of money received and expended by the company, and the matters in respect of which such receipt or expenditure takes place, and,

(*d*) Of the credits and liabilities of the company;

(*e*) And also a book or books containing minutes of all the proceedings and votes of the company, or of the board of directors, respectively, and the by-laws of the company, duly authenticated, and such minutes shall be verified by the signature of the president, or other presiding officer of the company. Minutes of proceedings.

ANNUAL STATEMENT, BALANCE SHEET AND SUMMARY, ETC.

60. At each annual meeting, or, at least, once in every year, and at intervals of not more than fifteen months, the directors shall, at a general meeting duly called, lay before the company a statement of the income and expenditure of the company for the past year, made up to a date not more than three months before such annual or general meeting. Annual statement of income and expenditure.

(*a*) The statement so made shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived, and the amount of gross expenditure, distinguishing the expenses of the undertaking, salaries and other like matters; every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting; and in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year the whole amount of such item shall be stated, with the addition of the reasons why only a portion of such expenditure is charged against the income of the year. What the statement shall show.

61. At the annual meeting of the company, or, at least, once in every year, and at intervals of not more than fifteen months, a balance-sheet for the information of the shareholders shall be made out and laid before the company, and such balance-sheet shall contain a summary of the property and liabilities of the company arranged under suitable heads, and, if the by-laws of the company so require, prepared according in Form "F " to this Act, or as near thereto as circumstances admit. Shareholders' balance-sheet.

62. If the by-laws of the company so provide, a printed or written copy of such balance-sheet shall, seven days previously to the meeting aforesaid at which it is to be presented, be served on every shareholder in the manner in which notices are by this Act directed to be served. Balance-sheet to be served on shareholders.

(*a*) Each copy of the balance-sheet, served as aforesaid shall be accompanied by a certificate, signed by one or more of the directors on behalf of the board, stating that, in his or their opinion, the balance-sheet contains the particulars required by this Act, and that it is drawn up so as to exhibit a correct view of the state of the company's affairs, and such balance-sheet shall also be accompanied by a report of the auditors in accordance with the provisions of this Act. Balance-sheet to be certified.

Annual summary of the affairs of the company.

63. Every company incorporated by special Act, or by letters patent under this Act shall, on or before the first day of February in every year, make out a summary in duplicate, verified as hereinafter required, of the state of the affairs of the company on the thirty-first day of December preceding. R. S. O. 1887, c. 157, s. 57.

Contents of statement.

(*a*) The summary shall contain the following particulars, correctly stated:—

1. The corporate name of the company;

2. The manner in which the company is incorporated, whether by special Act, or by letters patent.

3. The place where the head-office of the company in Ontario is situated, including, when possible, name of street and number on the street;

4. The place, or places where, or from which the undertaking of the company is carried on;

5. The name, residence and post-office of the president and of the secretary, and of the treasurer of the company;

6. The name, residence and post-office address of each of the directors of the company;

7. The date upon which the last annual meeting of the company was held;

8. The amount of the capital of the company and the number of shares into which it is divided;

9. The number of shares subscribed for and allotted from the commencement of the company up to the thirty-first day of December preceding the date of the summary;

10. The amount of stock (if any) issued free from call; if none is so issued, this fact to be stated;

11. The amount issued subject to call;

12. The amount of calls made on each share;

13. The total amount of calls received;

14. The total amount of calls unpaid;

15. The total amount of shares forfeited;

16. The total amount of shares which have never been allotted or subscribed for;

17. The total amount for which shareholders of the company are liable in respect of unpaid stock held by them;

18. The amount of dividends, if any, remaining unpaid and to whom owing;

19. A description of and the estimated value, at the date of the return, of the real estate, if any, acquired as security by the company during the year, and how acquired.

20. The said summary may also, after giving the information hereinbefore required, give in a concise form, such further information respecting the affairs of the company as the directors may consider expedient.

List of shareholders.

(*b*). The summary shall also contain a list of persons who, on the thirty-first day of December previously, were shareholders of the company; and such list shall state the names alphabetically arranged, and the address and occupation of each such person; the amount of stock held by each; and whether paid for in cash, by transfer of property or how otherwise, and the amount if any unpaid and still due by each such person;

Return as to crude petroleum.

(*c*) Every company incorporated under this Act so long as it carries on the business of warehousing crude petroleum shall state the following additional particulars in the summary:—

(i.) The total quantity of crude petroleum actually held by the company for the purpose of answering transportation and warehouse receipts, accepted orders, and certificates of crude petroleum.

(ii.) The total quantity of crude petroleum in respect of which the company as warehousemen or carriers are liable to make delivery to other persons. *See* Cap. 122, s. 21.

Mode of writing the same.

(*d*) The summary, and every duplicate thereof required by this Act, shall be written, or printed on only one side of the sheet or sheets of paper containing the same.

Verification thereof.

(*e*) The summary shall be verified by the affidavit of the president and secretary, and if there are no such officers, or they, or either of them, are or is, at the proper time out of this Province, or otherwise unable to make the same, by the affidavit of the president or secretary and one of the directors, or two of the directors, as the case may require; and if the president or secretary does not make or join in the affidavit, the reason thereof shall be stated in the substituted affidavit.

Posting thereof.

(*f*) One of the duplicate summaries, with the affidavit of verification, shall be posted up in a conspicuous position in the head-office of the company in Ontario, on or before the second day of February; and the company shall keep the same so posted, until another summary is posted under the provisions of this Act; and the other duplicate summary, verified as aforesaid, shall on or before the eighth day of February next after the time hereinbefore fixed for making the summary be transmitted by registered letter to the Provincial Secretary and be addressed to him at the Parliament Buildings, Toronto.

Deposit with Provincial Secretary.

Penalty for default.

(*g*) If a company makes default in complying with the provisions of this section, the company shall incur a penalty of $20 for every day during which the default continues, and every director, manager or secretary of the company, who

When section not to apply.

knowingly and wilfully authorizes or permits such default, shall incur the like penalty.

Provided that this section shall not apply to any company until the first day of February next after the first thirty-first day of December, after the company has been organized, or has gone into actual operation, whichever shall first happen, and shall not be held to apply to any company which has ceased to carry on business; and upon its being proved that any company to which this Act applies did not transact any business (other than the payment of taxes or the making of a return, or the furnishing of any list, statement, or other information to the Government of Ontario, or to any officer or department thereof) during the year for which it is alleged a return in accordance with the requirements of law has not been made such company shall be deemed to have ceased to carry on business within the meaning of this sub-section. R. S. O. 1887, c. 157, s. 57 *amended.*

Further proviso.

And further provided that this section shall not apply to any company not incorporated for commercial, mercantile, manufacturing, trading, or business purposes, or objects, where such company by its charter of incorporation is declared to be exempt from the provisions thereof, 54 V. c. 32, s. 1, or to any company not incorporated for any of the said purposes which, on proof thereof being shown to Lieutenant-Governor in Council, is, on, from and after a date to be set forth in the order of the Lieutenant-Governor in Council in that behalf, declared to be exempt as aforesaid. 54 V., c. 32 s. 1, *amended*

Auditors and their Duties.

Accounts may be audited.

64. If the letters patent or the by-laws of the company so direct, the accounts of the company shall be examined once at least in every year, and the correctness of the balance-sheet be ascertained, by an auditor, who may be appointed by the directors at or before the statutory meeting of the company, and, who, if so appointed, shall hold office until the first annual general meeting of the company unless previously removed by a resolution of the shareholders in general meeting; subsequent auditors may be appointed by the company in general meeting.

Appointment of first auditors.

Auditors may be shareholders.

65. The said auditor may be a shareholder of the company, but no person shall be eligible as an auditor who is interested, otherwise than as a shareholder, in any transaction of the company; and no director or other officer of the company shall be eligible during his continuance in office.

Election of auditors.

65. The election of the said auditor shall be made by the company at its annual meeting in each year.

66. The remuneration of the first auditor may be fixed by the directors; that of subsequent auditors shall be fixed by the company in general meeting. Remuneration of auditors.

67. Any auditor shall be re-eligible on his quitting office. Auditors re-eligible.

68. If no provision is made in the manner aforesaid for the auditing of the accounts of the company, the Lieutenant-Governor-in-Council may, on the application of not less than one-third in value of the shareholders of the company, appoint an auditor for the current year and may fix the remuneration to be paid to him by the company for his services. Lieutenant-Governor may appoint.

69. Every auditor shall be supplied with a copy of the balance-sheet, and it shall be his duty to examine the same with the accounts and vouchers relating thereto. Auditors shall examine accounts, etc.

70. Every auditor appointed by the company or by the Lieutenant-Governor shall have a list delivered to him of all books kept by the company, and shall at all reasonable times have access to the books and accounts of the company; and he may in relation to such accounts examine the directors or any other officer of the company. Provided that if a company has branch establishments it shall be sufficient that the auditor is allowed access to such reports and copies of and extracts from the books and accounts of any such branch as may have been transmitted to the head-office of the company. Access of auditors to books, etc.

71. The auditor of the company may require and the directors of the company, on demand, shall supply to the auditor a private balance-sheet, giving the details on which the shareholders' balance-sheet is founded. Auditors may demand a private balance-sheet.

(*a*) The private balance-sheet must be signed by at least two of the directors, and by the manager of the company. Authentication thereof.

(*b*) The auditor may require the directors, or officers of the company to supply any further details or information affecting the balance-sheet, or any particular asset comprised therein. May require special information.

(*c*) The private balance-sheet shall not be issued to the shareholders of the company, but shall be kept by the directors as part of the records of the company. Private sheet not to be issued.

72. The auditor shall make a report to the shareholders upon the balance-sheet and accounts, and in every such report he shall state whether, in his opinion, the balance-sheet is a full and fair balance sheet, containing the particulars required by this Act, and properly drawn up so as to exhibit a true and correct view of the state of the company's affairs, and, in case he has called for explanations, or information from the directors, or officers of the company, whether such explanation, or information has been given by the directors, and whether it has been satisfactory. Auditors shall make reports to shareholders.

INSPECTORS MAY BE APPOINTED.

The Court may appoint an inspector.

73. Upon an application by one or more of the shareholders or creditors of the company, the judge may, if he deems it necessary, appoint an inspector to investigate the affairs and management of the company, who shall report thereon to the judge, and the expense of such investigation shall, in the discretion of the judge, be defrayed by the company, or by the applicants, or partly by the company and partly by the applicants as he shall order, and, if he thinks fit, he may require the applicants to give security to cover the probable cost of the investigation, and he may make necessary rules and prescribe the manner in which and the extent to which the investigation shall be conducted; or the judge may, if he deems it necessary, examine the officers or directors of the company under oath as to matters that shall come in question.

Lieutenant-Governor may appoint an inspector.

(*a*) The Lieutenant-Governor may also under like conditions and when he deems it expedient, appoint an inspector to examine into the affairs and the management of the company, who shall report to him thereon. 44 V. c. 17, s. 2 (5, 6); R. S. O. 1887, 157, s. 76.

Examination by company.

(*b*) The company may by special resolution appoint an inspector for the purpose of examining into the affairs of the company. The inspector so appointed shall have the same powers and perform the same duties as an inspector appointed by a judge, or by the Lieutenant-Governor, with this exception, that instead of making his report to the judge or to the Lieutenant-Governor, respectively, he shall make the same in such manner and to such persons as the company by said special resolution directs.

Powers and duties of inspector.

Production of books and documents.

(*c*) It shall be the duty of all officers and agents of the company to produce for the examination of any such inspector all books and documents in their custody or power. Any such inspector may examine upon oath the officers and agents of the company in relation to its business, and may administer such oath accordingly. If any officer or agent refuses to produce any book or document hereby directed to be produced, or to answer any question relating to the affairs of the company, he shall incur a penalty not exceeding twenty dollars, in respect of each offence.

Examination on oath.

Penalty for non-production.

Copy of report, its effect as evidence.

(*d*) A copy of the report of any such inspector appointed under this Act authenticated by the seal of the company into whose affairs he has made inspection shall be admissible in any legal proceedings as evidence of the opinion of the inspector in relation to any matter contained in such report.

Contracts, Dividends, Etc.

Contracts, etc., when to be binding on company.

74. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the company by any agent, officer or servant of the company, in general accordance with his powers as such under the by-laws of the company, shall be binding upon the company; and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the sum was made drawn, accepted or endorsed, as the case may be, in pursuance of any by-law, or special vote or order; nor shall the party so acting as agent, officer or servant of the company, be thereby subjected individually to any liability whatsoever to the third party therefor.

Proviso as to notes and banking.

(*a*) Nothing in this Act shall be construed to authorize the company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank, or to engage in the business of banking. R. S. O. 1887, c. 157, s. 59.

Liability of directors declaring a dividend when company is insolvent, etc.

75. The directors of the company shall not declare or pay any dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent, or diminishes the capital thereof, but if any director present when such dividend is declared, forthwith, or if any director then absent, within twenty-four hours after he has become aware thereof and able so to do, enters on the minutes of the board of directors his protest against the same, and within eight days thereafter causes such protest to be notified, by registered letter, to the Provincial Secretary, such director may thereby, and not otherwise, exonerate himself from liability. R. S. O. 1887, c. 157, s. 66.

How a director may avoid such liability.

No loan by company to shareholder.

76. No loan shall be made by the company to any shareholder, and if such loan is made, all directors and other officers of the company making the same, and in anywise assenting thereto shall be jointly and severally liable to the company for the amount thereof and also to third parties to the extent of such loan with legal interest, for all debts of the company contracted from the time of the making of the loan to that of the repayment thereof; but this action shall not apply to a building society, or to a company incorporated for the lending of money. R. S. O. 1887, c. 157, s. 67.

Except in certain cases.

Liability of directors for wages.

77. The directors of the company shall be joined and severally liable to the labourers, servants and apprentices thereof, for all debts not exceeding one year's wages due for services performed for the company while they are such directors respectively; but no director shall be liable to an action there-

for, unless the company has been sued therefor within one year after the debt became due, nor yet unless such director is sued therefor within one year from the time when he ceased to be such director, nor yet before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against the directors. R. S. O. 1877, c. 150, s. 59; R. S. O. 1887, c. 157, s. 68.

Annual, General and Special Meetings.

Mode of election.

Notice.

78. In default only of other express provisions in such behalf, by the special Act, or by the letters patent or by-laws of the company, notice of the time and place for holding the general, including the annual, meetings of the company shall be given at least ten days previously thereto, in some newspaper published at or as near as may be to the head-office, and to the chief place of business of the company, if these differ; and also, in the case of companies having a capital exceeding $3,000, either by publishing the same in *The Gazette*, or by mailing the same as a registered letter duly addressed to each shareholder at his last known post-office address at least ten days previous to such meeting. R. S. O. 1887, c. 157, s. 33.

Statutory meeting of company.

79. The provisional directors of every company incorporated or re-incorporated under this Act shall, by a registered letter addressed to each shareholder, call a general meeting of the company to be held within two months of the date of the letters patent, for the purpose of organizing the company for the commencement of business. This first general meeting shall be known as the statutory meeting, and shall be held at such convenient place as the directors may determine.

Penalty.

(*a*) If the statutory meeting is not called by the provisional directors within the time required by this section, any three or more shareholders in the company shall have power to call the meeting and to proceed to the organization of the company.

Annual meeting.

80. If no other time and place are prescribed by by-law a general meeting, to be known as the annual meeting of the company, shall be held on the third Wednesday in January in every year, at such place as may be determined by the directors.

Special meetings.

81. The directors may, whenever they think fit and they shall upon a requisition made in writing by the holders of not less than one-tenth of the subscribed capital of the company convene a special general meeting of the company.

82. Any requisition made by the shareholders shall express the object of the special general meeting proposed to be called, and shall be left at the head-office of the company. Object.

83. Upon the receipt of such requisition the directors shall forthwith proceed to convene a special general meeting. If they do not proceed to cause the same to be held within twenty-one days from the date upon which the requisition was left at the head-office of the company, the requisitionists, or any other shareholders amounting to the required one-tenth in value of the subscribed capital of the company may themselves convene such special general meeting. Duty of directors.

84. Ten days' notice at the least, specifying the place, the day and the hour of meeting, and in the case of special business the general nature of such business, shall be given to the shareholders by the directors, or by the requisitionists, as the case may be, in manner mentioned in section seventy-eight of this Act, or in such other manner, if any, as may have been prescribed by the company in general meeting, but the non-receipt of such notice by any shareholder shall not invalidate the proceedings at any such special general meeting. Notice for special meetings.

85. No business shall be transacted at any such special general meeting unless a quorum of shareholders is present in person, or by proxy, at the time when the meeting proceeds to business; and such quorum shall be ascertained as follows, that is to say, if the shareholders at the time of the meeting do not exceed ten in number, the quorum shall be five, if they exceed ten there shall be added to the above quorum one for every four additional shareholders up to fifty, and one for every ten additional shareholders after fifty, with this limitation, that no quorum in any case shall exceed twenty. Quorum.

86. If within one hour from the time appointed for such special general meeting a quorum is not present, the meeting, if convened upon the requisition of shareholders, shall be dissolved; in any other case, it shall stand adjourned to the same day in the next week, at the same time and place, and if at such adjourned meeting a quorum is not present it shall be adjourned *sine die*. Adjournment of meeting. Quorum.

87. The president of the company shall preside as chairman at every general meeting of the company. Presiding officer.

88. If there is no such president, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting, the shareholders present shall choose some one of their number to be chairman. Chairman to be elected when necessary.

89. The chairman may, with the consent of the meeting, and subject to such conditions and restrictions as the meeting Adjournment by consent.

may decide, adjourn any meeting from time to time, and from place to place.

Procedure as to resolutions.

90. At any general meeting, unless a poll is demanded, a declaration by the chairman that a resolution has been carried and an entry to that effect in the book of proceedings of the company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution.

When poll is demanded.

91. If a poll is demanded it shall be taken in such manner as the chairman directs, and the result of such poll shall be deemed to be the resolution of the company in general meeting. In the case of an equality of votes, at any general meeting, the chairman shall be entitled to a second or casting vote

Shareholders in arrear not to vote.

92. No shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the company. R. S. O. 1877, c. 150, s. 41; R. S. O. 1887, c. 157, s 49.

Votes.

(*b*) At all general meetings of the company, every shareholder shall be entitled to as many votes as he owns shares in the company, and may vote by proxy.

Trustees, etc., may vote.

Mortgagor of stock may vote.

93. Every executor, administrator, guardian or trustee, shall represent the stock in his hands, at all meetings of the company, and may vote accordingly as a shareholder; and every person who pledges his stock may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder. R. S. O. 1887, c. 157, s. 65. *See* R. S. O. c. 156, s. 41.

Limited Liability, Etc.

Liability of shareholders.

94. Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution, but not beyond the amount so unpaid of his said stock, shall be the amount recoverable with costs, against such shareholder.

Set-off.

(*a*) Any shareholder may plead by way of defence, in whole or in part, any set-off which he could set up against the company except a claim for unpaid dividends, or a salary or allowance as a president or a director or the company. R. S. O. 1887, c. 157, s. 61.

(*b*) The shareholders of the company shall not as such be held responsible for any act, default or liability whatsoever, of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the company, beyond the unpaid amount of their respective shares in the capital stock thereof. R. S. O. 1887, c. 157, s. 62. Shareholders not liable beyond amount of stock.

95. No person holding stock in the company as executor, administrator, guardian or trustee, shall be personally subject to liability as a shareholder; but the estates and funds in the hands of such person shall be liable in like manner and to the same extent, as the testator or intestate or the minor, ward, or person interested in the trust fund, would be, if living and competent to act and holding such stock in his own name. R. S. O. 1887, c. 157, s. 63. Trustees, etc., not personally liable.

96. No person holding stock as collateral security, shall be personally subject to liability as a shareholder; but the person pledging such stock as such collateral security shall be considered as holding the same, and shall be liable as a shareholder in respect thereof. R. S. O. 1887, c. 157, s. 64. Mortgagees.

97. Every company incorporated under this Act shall keep painted, or affixed its name with the unabbreviated word "Limited" as the last word thereof, on the outside of every office, or place in which the business of the company is carried on, in a conspicuous position, in letters easily legible; and shall have its name with the said unabbreviated word engraven in legible characters on its seal, and shall have its name with the said unabbreviated word mentioned in legible characters in all notices, advertisements and other official publications of the company, and in all bills of exchange promissory notes, indorsements, cheques and orders for money or goods purporting to be signed by or on behalf of such company, and in all bills of parcels, invoices and receipts of the company. 52 V. c. 26, s. 3. Unabbreviated word "limited" to be inserted in all notices, etc.

(*a*) The directors of every such company shall be jointly and severally liable upon every written contract or undertaking of the company on the face whereof the unabbreviated word "Limited" is not distinctly written or printed as the last word in the name of the company where it first occurs in such contract or undertaking. 52 V. c. 26, s. 2. Directors liable on written contracts, which do not show limited liability.

(*b*) Every such company which does not keep painted or affixed its name, with the unabbreviated word "Limited" as the last word thereof, in the manner directed by this section, shall incur a penalty of $20 for every day during which such name is not so kept painted or affixed. 52 V. c. 26, s. 4. Penalty for violation of preceding section.

Penalty for permitting violation.

(*c*) Every director and manager of the company who knowingly and wilfully authorizes or permits such default, shall be liable to the like penalty. 52 V. c. 26, s. 5.

Penalty for using or authorizing use of seal without word "limited" on it.

(*d*) Every director, manager or officer of the company, and every person on its behalf, who uses or authorizes the use of any seal purporting to be a seal of the company whereon its name, with the said unabbreviated word "Limited" as the last word thereof, is not so engraved as aforesaid, or who issues or authorizes the issue of any notice, advertisement or other official publication of such company, or who signs or authorizes to be signed on behalf of such company any bill of exchange, promissory note, indorsement, cheque, order for money or goods, or who issues or authorizes to be issued any bill of parcels, invoice or receipt of the company, wherein its name, with the said word as the last word thereof, is not mentioned in manner aforesaid, shall incur a penalty of $200 and shall also be personally liable to the holder of any such bill of exchange, promissory note, cheque or order for money or goods for the amount thereof, unless the same is duly paid by the company. 52 V. c. 26, s. 6.

Proviso.

Provided that this section shall not apply to any company not incorporated for commercial, mercantile, manufacturing, trading or business purposes or objects, where such company by its charter of incorporation is declared to be exempt from the provisions thereof, or to any company not incorporated for any of the said purposes, which, on proof thereof being shown to the Lieutenant-Governor-in-Council, is, on, from and after a date to be set forth in the order of the Lieutenant-Governor-in-Council in that behalf, declared to be exempt as aforesaid. 54 V. c. 32, s. 2.

Liability for False Statements.

False returns, etc.

98. If any person in any return, report, certificate, balance sheet, or other document required by or for the purposes of this Act, wilfully makes a statement false in any material particular, he shall be liable on conviction on indictment to imprisonment for a term not exceeding six months, with or without hard labour, and on summary conviction to imprisonment not exceeding three months, with or without hard labor, and in either case to a fine of one hundred dollars in lieu of or in addition to such imprisonment as aforesaid; provided that a person charged with an offence under this section, may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon may give evidence in the same manner and with the like effect and consequences as any other witness.

99. Where a prospectus or notice invites persons to subscribe or apply for shares, debenture stock, annuities on lives, or other securities as a company, incorporated under this Act, every person who is a director of the company at the time of the issue of the prospectus or notice, and every person who, having authorized such naming of him, is named in the prospectus or notice as a director of the company or as having agreed to become a director of the company either immediately, or after an interval of time, and every promoter of the company, and every person who has authorized the issue of the prospectus or notice, shall be liable to pay to all persons so subscribing or applying on the faith of such prospectus or notice compensation for the loss or damage they may have sustained by reason of any untrue statement in the prospectus or notice, or in any report or memorandum appearing on the face thereof, or by reference incorporated therein or issued therewith, unless it is proved— Liability for statements in prospectus.

(*a*) With respect to every such untrue statement not purporting to be made on the authority of an expert, or of a public official document or statement, that he had reasonable ground to believe, and up to the time of the allotment or issue of the shares, debenture stock, annuities on lives, or other securities, as the case may be, did believe that the statement was true; and

(*b*) With respect to every such untrue statement purporting to be a statement by or contained in what purports to be a copy of or extract from a report or valuation of an engineer, valuer, accountant, or other expert, that it fairly represented the statement made by such engineer, valuer, accountant, or other expert, or was a correct and fair copy of or extract from the report or valuation. Provided always that notwithstanding that such untrue statement fairly represented the statement made by such engineer, valuer, accountant, or other expert, or was a correct and fair copy of or extract from the report or valuation, such director, person named, promoter, or other person, who authorized the issue of the prospectus or notice as aforesaid, shall be liable to pay compensation as aforesaid if it be proved that he had no reasonable ground to believe that the person making the statement, report or valuation was competent to make it; and

(*c*) With respect to every such untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, that it was a correct and fair representation of such statement or copy of or extract from such document,

or unless it is proved that, having consented to become a director of the company, he withdrew his consent before the issue of the prospectus or notice, and that the prospectus or notice was issued without his authority or consent; or that the prospectus or notice was issued without his knowledge or consent, and that on becoming aware of its issue he forthwith gave reasonable public notice that it was so issued without his knowledge or consent; or that after the issue of such prospectus or notice and before allotment or issue of the shares, debenture stock, annuities on lives or other securities thereunder, he, on becoming aware of any untrue statement therein, withdrew his consent thereto and caused reasonable public notice of such withdrawal and of the reason therefor, to be given. 52 V. c. 34, s. 4.,

Statements in prospectus for raising further capital.

(*i*) Where any company incorporated or re-incorporated under this Act shall be desirous of obtaining further capital by subscriptions for shares, bonds, debentures, debenture stock or other securities, and for that purpose shall issue a prospectus or notice, no director of such company shall be liable in respect of any statement therein, unless he shall have authorized the issue of such prospectus or notice, or have adopted or ratified the same. 54 V. c. 34, s. 4, (2).

Indemnity where name of person has been improperly inserted.

(*ii*) Where any such prospectus or notice as aforesaid contains the name of a person as a director of a company, or as having agreed to become a director thereof, and such person has not consented to become a director, or has withdrawn his consent before the issue of such prospectus or notice, and has not authorized or consented to the issue thereof, the directors of the company, except any without whose knowledge or consent the prospectus or notice was issued, and any other person who authorized the issue of such prospectus or notice shall be liable to indemnify the person named as a director of the company, or as having agreed to become a director thereof as aforesaid, against all damages, costs, charges, and expenses to which he may be made liable by reason of his name having been inserted in the prospectus or notice, or in defending himself against any action or legal proceedings brought against him in respect thereof. 54 V. c. 34, s. 5.

Contribution from co-directors, etc.

(*iii*) Every person who by reason of his being a director, or named as a director or as having agreed to become a director, or of his having authorized the issue of the prospectus or notice, has become liable to make any payment under the provisions of this section, shall be entitled to recover contribution, as in cases

of contract, from any other person who, if sued separately, would have been liable to make the same payment. 54 V. c. 34, s. 6.

(*iv*) For the purposes of this section, unless the context otherwise requires:— Interpretation.

(1) "Untrue statement" includes a concealment of intentional non-disclosure of a material fact known to the director or promoter which might reasonably influence a person in determining whether to apply or not to apply for shares, debenture stock, annuities on lives, or other securities of the company for which application is invited. "Untrue statement."

(2) "Securities" includes bonds, debentures, investment bonds; also policies, certificate, or other instruments of insurance, suretyship, or guarantee, or instruments evidencing contracts in the nature thereof. "Securities."

(3) "Directors" includes the officers, by whatever name known, appointed to manage the affairs of the corporation. "Directors."

(4) "Promoter" means a promoter who was a party to the preparation of the prospectus or notice, or of the portion thereof containing such untrue statement, but shall not include any person by reason of his acting in a professional capacity for persons engaged in procuring the formation of the company. "Promoter."

(5) "Expert" includes any person whose profession gives authority to a statement made by him. 54 V. c. 34, s. 2. "Expert."

100. Where any advertisement, letter-head, postal-card, account or document issued, published or circulated by any corporation, association or company incorporated under this Act, or any officer, agent or employee of any such corporation, association or company, purports to state the subscribed capital of the company, then the capital actually and in good faith subscribed, and no more, shall be so stated, and any such corporation, association, company, officer, agent or employee who causes to be inserted an advertisement in any newspaper or who publishes, issues or circulates, or causes to be published, issued or circulated any advertisement, letter-head, postal-card, account or document which states, as the capital of such company, any larger sum than the amount of such subscribed capital so actually and in good faith subscribed as aforesaid, or which contains any untrue or false statement as to the incorporation, control, supervision, management or financial standing of such corporation, association or company, and which statement is intended or calculated or likely to mislead or deceive any person dealing or having any business or transaction with said corporation, association or company, or with any officer, agent or employee of the association, corporation or company, shall, upon summary conviction thereof, be liable to a penalty not exceeding two hundred dollars and costs and not less than fifty Penalty for false statements as to capital of companies.

dollars and costs, and in default of payment the offender, being any officer, agent or employee as aforesaid, shall be imprisoned with or without hard labor for a term not exceeding six months and not less than one month.

FORFEITURE OR SURRENDER OF A CHARTER, ETC.

Forfeiture of charter for non-user.

101. If a company incorporated under this Act does not go into actual operation within two years after incorporation, or, for two consecutive years, does not use its corporate powers for the purpose for which the company was incorporated, such non-user, shall *ipso facto* work a forfeiture of its corporate powers, except so far as is necessary for winding up the company; and, in any action or proceeding where such non-user is alleged, proof of user shall lie upon the company, provided, however that no such forfeiture shall affect prejudicially the rights of creditors as they exist at the date of such forfeiture. R. S. O. 1887, c. 157, s. 70.

Revocation of charter.

(*a*) The charter, whether by special Act or by letters patent, of a company incorporated or re-incorporated under this Act may, at any time, be declared to be forfeited, and may be revoked and made void by an order of the Lieutenant-Governor-in-Council on sufficient cause being shown to the Lieutenant-Governor-in-Council in that behalf, and such forfeiture, revocation and making void may be upon such conditions and subject to such provisions as to the Lieutenant-Governor may seem proper.

Individual liability for whole of the company's debts if business is carried on with less than five members.

(*b*) If a company incorporated or re-incorporated under this Act carries on business when the number of its shareholders is less than five for a period of six months after the number has been so reduced, every person who is a shareholder in the company during the time that it so carries on business after such period of six months and is cognizant of the fact that it is so carrying on business with fewer than five shareholders shall be severally liable for the payment of the whole of the debts of the company contracted during such time, and may be sued for the same without the joinder in the action or suit of the company or of any other shareholder; provided, however, that any shareholder who has become aware that the company is carrying on business when the number of its shareholders is less than five, may serve a protest in writing on the company, and may by registered letter notify the Provincial Secretary of such protest having been served, and of the facts upon which it is based, and such shareholder may thereby, and not otherwise, from the date of his said protest

and notification exonerate himself from liability, and if after notice from the Provincial Secretary the company refuses or neglects to bring the number of its shareholders up to five, such refusal or neglect may, upon the report of the Provincial Secretary, be regarded by the Lieutenant-Governor-in-Council as sufficient cause for the revocation of the company's charter under this section.

Charter may be surrendered.

102. The charter, whether by special Act, or by letters patent, of a company incorporated or re-incorporated under this Act may be surrendered to the Lieutenant Governor-in-Council if the company proves to the satisfaction of the Lieutenant-Governor-in-Council:

(*a*) That it has no debts existing, or other rights in question, or

(*b*) That it has parted with its property, divided its assets ratably amongst its shareholders, and has no debts, or liabilities, or

(*c*) That the debts and obligations of the company have been duly provided for or protected, and that the creditors of the company or other persons holding them consent,

and that the company has given, for three consecutive weeks, in *The Gazette* and in, at least, one local paper, notice of its intention to apply to the Lieutenant-Governor-in-Council to accept the surrender of its charter, and the Lieutenant-Governor-in-Council, upon a due compliance with the provisions of this section, may accept and direct the cancellation of the charter and may, by his order, fix a date upon and from which the company shall be deemed to be dissolved, and the company shall thereby and thereupon become dissolved accordingly.

103. Where a company incorporated under this Act has for three consecutive years failed or has neglected to make to the Provincial Secretary the returns required of it by this Act, the Provincial Secretary may, by registered letter, notify the company of his intention to enter on the records of his department the fact of the forfeiture of its charter, and proof that the company has not forfeited its charter by non-user, if such be the fact, shall lie upon the company, and if such proof to the satisfaction of the Provincial Secretary, has not been deposited with him within three months from the date of his notice to the company, he may cause to be entered on the records in his department, in respect of the company, such entry as shall to him seem proper in the premises, and the date of such entry on the record of the company's charter shall be the date upon which, so far as his department is concerned, the legal existence of the company was terminated, and he may cause the name of

the company to be struck from the list of active companies as they appear upon his records, and he shall give in *The Gazette* notice that the name of the company has been struck from the said list of companies, and, thereupon, such name shall, in so far as the company is interested, be regarded by the Provincial Secretary as being free from objection under this Act if its use, wholly or partially, is desired by any applicants for incorporation under this Act.

Winding up Acts to apply.

104. Any company incorporated or re-incorporated under this Act shall be subject to the provisions of any Act of the Legislature for the winding up of joint stock companies. R. S. O. 1887, c. 157, s. 79. *Amended.*

General Provisions.

Fees on letters patent, etc., to be fixed by Order-in-Council.

105. The Lieutenant-Governor-in-Council may, from time to time, establish, alter and regulate the tariff of the fees to be paid on applications under this Act; may designate the department or departments through which the issue of letters patent, or supplementary letters, or of licenses should be made; and may prescribe the forms of proceeding and record in respect thereof, and all other matters requisite for carrying out the objects of this Act. R. S. O. 1877, c. 150, s. 64 (1); 47 V. c. 27, s. 6; R. S. O. 1887, c. 157, s. 71.

May be varied.

(*a*) Such fees may be made to vary in amount, under any rule or rules—as to nature of company, amount of capital and otherwise—that may be deemed expedient.

Restriction.

(*b*) No step shall be taken in any Department towards the issue of any letters patent or supplementary letters patent, or license under this Act, until after all fees therefor have been duly paid. R. S. O. 1887, c. 157, s. 71 (2, 3).

Certain informalities not to invalidate letters patent.

106. The provisions of this Act relating to matter preliminary to the issue of the letters patent shall be deemed to be directory only; and no letters patent, or supplementary letters patent or license issued under this Act shall be held to be void or voidable on account of any irregularity in respect of any matter preliminary to the issue of the letters patent, or supplementary letters patent, or of any alterations in the petition or papers submitted therewith made necessary in order to comply with this Act, or with the departmental practice thereunder. R. S. O. 1887, c. 157, s. 15, *amended.*

107. All powers given to the company by the special Act, the letters patent, or supplementary letters patent or license shall be exercised subject to the provisions and restrictions in this Act and in such special Act or letters patent or supplementary letters patent or license contained. R. S. O. 1887, c. 157, c. 157, s. 28, *amended*. Powers by the letters patent to be subject to this Act.

108. No company incorporated under this Act shall use any of its funds in the purchase of stock in any other corporation, unless and until the directors have been expressly authorized by a by-law made for the purpose. R. S. O. 1887, c. 157, s. 60. Not to purchase stock in other corporations.

109. In case it is made to appear to the satisfaction of the Lieutenant-Governor-in-Council that any company incorporated, or re-incorporated under this Act is incorporated under a name the same as, or so similar to that of an existing company as to deceive, it shall be lawful for the Lieutenant-Governor by an Order-in-Council to change the name of the company to some other name to be set forth in the order; and no such alteration of name shall affect the rights or obligations of the company; and all proceedings may be continued and commenced by or against the company by its new name, that might have been continued or commenced by or against the company by its former name. R. S. O. 1887, c. 157, s. 14. Change of name and supplementary letters patent.

110. With regard to the increase of the capital stock of any company incorporated under the Act authorizing the granting of charters of incorporation to manufacturing, mining and other companies, passed in the 27th and 28th years of the reign of Her Majesty, chaptered 23, the incorporation of which is subject to the control of the Legislature of Ontario, the Provincial Secretary, or such other officer as may be named for the purpose, is not bound to sign the notice mentioned in subsection 18 of section 5 of the said Act, and is to exercise his discretion in respect of the same, in view of all the facts, and subject to the direction of the Lieutenant-Governor-in-Council. This section is to be construed as declaratory of the intent, meaning and effect of the said subsection. R. S. O. 1887, c. 157, s. 29. Discretion as to signing notice for increase of capital of joint stock companies. 27-28 V. c. 23.

114. Unless otherwise provided, the provisions of this Act shall apply to every company other than a Railway Company, or a Loan Company, or an Insurance Company, carried on for the purposes of gain, and incorporated under any general or special Act of the Province of Ontario since the eighteenth day of May, 1861; provided, however, that this Act shall not apply until the first day of July, 1897, to any company heretofore incorporated by special Act, or otherwise than by letters patent; and further provided that proof that this section does not apply thereto shall be on the company. Application of this Act.

No extra-Provincial Company may hold or convey land without a license.

115. Unless otherwise provided by statutory enactment, no extra-Provincial Company shall have, either through a trustee or otherwise, power to acquire, hold, convey, or otherwise deal with land in Ontario except in respect of such real estate as shall be necessary for the transaction of its business, or unless and until it shall have received express authority by license to acquire, hold and convey land for its said purposes, provided, however, that this section shall not apply to, or be enforced against, any such company until the first day of July, 1897.

R. S. O. c. 156, and R. S. O. c. 157 repealed.

116.—*The Ontario Joint Stock Companies General Clauses Act*, and *The Ontario Stock Companies Letters Patent Act*, and all other statutory provisions, inconsistent with those of this Act, are hereby repealed.

(To be executed in duplicate.)

SCHEDULE A.

THE.....COMPANY OF.....(LIMITED).

MEMORANDUM OF AGREEMENT AND STOCK-BOOK.

WE the undersigned do hereby severally covenant and agree each with the other to become incorporated as a company under the provisions of the *Act respecting the Incorporation and Regulation of Joint Stock Companies*, under the name of THE..... .....COMPANY OF..... .....(LIMITED), or such other name as the Lieutenant-Governor-in-Council may give to the Company, with a capital of.....dollars, divided into.....shares of .....dollars each.

AND WE DO hereby severally, and not one for the other, subscribe for and agree to take the respective amounts of the capital stock of the said Company set opposite our respective names as hereunder and hereafter written ; and we do hereby covenant and agree each with the other to pay the amount so subscribed as the same may be called in by the directors of the company ; and we do further covenant and agree to abide by and to observe the provisions of the Letters Patent and of the by-laws, rules and regulations of the said Company, to be made in pursuance of the said Act, these our said covenants and agreements to take effect on and from the date of the Letters Patent of the Company, as witness our hands and seals on the dates and at the places hereinafter set forth.

Name of subscriber.	Seal.	Date and place of subscription.		Name of witness.	Residence of subscriber.	Amount of subscription.	Payments (if any).	How and to whom paid in trust.
		Date.	Place.					
						$	$	

SCHEDULE B.

TO HIS HONOUR THE HONOURABLE.....

..... ETC., ETC., ETC.

Lieutenant-Governor of the Province of Ontario in-Council:

THE PETITION of.....

.....

.....

.....

.....

.....*Humbly sheweth:—*

1. THAT Your Petitioners are desirous of obtaining by letters patent under the Great Seal, a charter, under the provisions of the *Act respecting the Incorporation and Regulation of Joint Stock Companies* constituting Your Petitioners and such others as may become shareho'ders in the Company thereby created, a body corporate and politic under the name of THE.....(LIMITED), or such other name as shall appear to Your Honour to be proper in the premises.

2. THAT Your Petitioners have satisfied themselves and are assured that the corporate name under which incorporation is sought is not on any public ground objectionable, and that it is not that of any known company, incorporated or unincorporated, or of any firm or partnership or so nearly resembling the same as to deceive.

3. THAT Your Petitioners have satisfied themselves and are assured that no public or private interest will be prejudicially affected by the incorporation of Your Petitioners as aforesaid.

4. THAT Your Petitioners are of the full age of twenty-one years.

5. THAT the object for which incorporation as aforesaid is sought by Your Petitioners is to .....

.....

.....

.....

6. THAT the undertaking of the company will be carried on at (or from)....., which is (or are) within the Province of Ontario.

7. THAT the head-office of the Company will be at.....

8. THAT the amount of the capital stock of the Company will be.....dollars.

9. THAT the said stock will be divided into..... shares of..... .....dollars each.

10. THAT the said.....
.....
will be the provisional directors of the said Company.

11. THAT by subscribing therefor in a Memorandum of Agreement, duly executed, in duplicate, with a view to the incorporation of the Company, Your Petitioners have taken the amounts of stock set opposite their respective names, as follows :—

Petitioners.	Amount of stock subscribed for.	Amount, if any, paid in thereon.	How and to whom paid in trust for the company.
	$	$	
	$	$	
	$	$	
	$	$	
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Your Petitioners therefore pray that Your Honour may be pleased, by Letters Patent under the Great Seal, to grant a Charter to Your Petitioners constituting Your Petitioners and such others as have or may become subscribers in Memoraddum of Agreement of the Company thereby created, a body corporate and politic for the due carrying out of the undertaking aforesaid.

And Your Petitioners, as in duty bound, will ever pray.

Signatures of witnesses.

Signatures of petitioners.

Dated at....., this.....day of....., 18 .

SCHEDULE C.

NOTICE OF GRANTING LETTERS PATENT.

PUBLIC NOTICE is hereby given that, subject to the provisions of the *Act respecting the Incorporation and Regulation of Joint Stock Companies*, Letters Patent have this day been issued under the Great Seal of the Province of Ontario, bearing date the.....day of....., 18 , incorporating [*here state the name, address and calling of each corporator named in the Letters Patent*], and all persons who now are, or who shall hereafter be associated under the said Letters Patent, and their successors, a body corporate and politic, and capable forthw'th of exercising

all the functions of an incorporated company for the following purposes, that is to say: Under the name of [*here state the name of the company, to be followed by the undertaking of the company as set forth in the Letters Patent*], with a total capital stock of.....dollars, divided into .....shares of .....dollars each.

Dated at the Office of the Provincial Secretary of Ontario, this .....day of..... 18 .

A. B.

Provincial Secretary.

R.S.O. 1877, c. 150 *Sched. A.*

SCHEDULE D.

PUBLIC NOTICE is hereby given that, subject to the provision of the *Act respecting the Incorporation and Regulation of Joint Stock Companies*, a License, under the Great Seal, has this day been granted to ...., a Company duly incorporated under the provisions of ...., and that the Company has by its said License been authorized to..... ....

Dated at the Office of the Provincial Secretary of Ontario, this..... .....day of.... .....18..

A. B.,

Provincial Secretary.

SCHEDULE E.

NOTICE OF GRANTING SUPPLEMENTARY LETTERS PATENT.

UNDER the provisions of *An Act respecting the Incorporation and Regulation of Joint Stock Companies*. PUBLIC NOTICE is hereby given that, by Supplementary Letters Patent under the Great Seal of the Province of Ontario, bearing date the..... ... day..... .....18...., the total capital stock of [*here state the name of the company*] has been increased [*or* decreased *as the case may be*] from.....dollars to.....dollars [*or* the capital stock of the company of.....shares of..... .....dollars each has been sub-divided into.....shares of.....dollars each.]

Dated at the Office of the Provincial Secretary of Ontario, this .....day of.....18...:

A. B.

Provincial Secretary.

R.S.O. 1877, c. 150, *Sched. B.*

SCHEDULE F.

DR. BALANCE SHEET of the.....Co. made up to.....18.... CR.

Capital and Liabilities.		$ c.	$ c.	Property and Assets.		$ c.	$ c.
I. Capital	Statements showing: 1. The number of shares issued 2. The amount called up per share 3. If any arrears of calls, the nature of the arrear, and the names of the defaulters 4. The particulars of any forfeited shares			I. Property held by the Company.	Statements showing: 7. Immovable property, distinguishing— (*a*) Freehold land (*b*) " buildings (*c*) Leasehold " 8. Movable property, distinguishing— (*d*) Stock-in trade (*e*) Plant The cost to be stated with deductions for deterioration in value as charged to the Reserve Fund or Profit and Loss.		
II. Debts and Liabilities of the Company.	Statements showing: 5. The amount of loans on mortgages or debenture bonds 6. The amount of debts owing by the Company, distinguishing— (*a*) Debts for which acceptances have been given (*b*) Debts to tradesmen for supplies of stock in trade or other articles (*c*) Debts for law expenses (*d*) Debts for interest on debentures or other loans (*e*) Unclaimed dividends (*f*) Debts not enumerated above			II. Debts owing to the Company.	Statements showing: 9. Debts considered good for which the Company hold bills or other securities 10. Debts considered good for which the Company hold no security 11. Debts considered doubtful and bad Any debt due from a director or other officer of the Company to be separately stated.		
III. Reserve Fund	Statement showing: The amount set aside from profits to meet contingencies			III. Cash and Investments.	Statements showing: 12. The nature of investment and rate of interest 13. The amount of cash, where lodged, and if bearing interest		
IV. Profit and Loss.	Statement showing: The disposable balance for payment of dividends, etc						
Contingent Liabilities.	Claims against the Company not acknowledged as debts Moneys for which the Company is contingently liable						

No. 74.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Incorporation and Regulation of Joint Stock Companies.

First Reading, , 1897.

Mr.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 74.] **BILL.** [1897.

An Act respecting the Incorporation and Regulation of Joint Stock Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Companies' Act.* Short title.

2. Where the words following occur in this Act, or in any letters patent and supplementary letters patent issued under this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appear:— Interpretation.

(*a*) "*The Gazette*" shall mean *The Ontario Gazette.* "*The Gazette.*"

(*b*) "Letters patent" shall mean the letters patent, under the Great Seal of Ontario, incorporating or re-incorporating a company, as the case may be; for any purpose within the scope of this Act. "Letters patent;"

(*c*) "Supplementary letters patent" shall mean any letters patent, under the Great Seal of Ontario, granted to a company subsequent to the letters patent incorporating or re-incorporating the company; "Supplementary letters patent;"

(*e*) "Real estate" or "land" shall include all messuages, lands, tenements, leaseholds and hereditaments of any tenure and all immovable real property of every kind; "Real estate," "Land;"

(*g*) "Shareholder" shall mean every subscriber to, or holder of stock in the company, and shall extend to and include the personal representatives of the shareholder. R. S. O. 1877, c. 157, s. 2. "Shareholder;"

(*h*) "Proxy" shall mean any person representing an absent shareholder and duly authorized, in writing, to act for him at a meeting of the company. "Proxy."

"Judge." (*i*) "Judge" shall mean one of the Judges of the High Court of Justice.

APPLICATION OF THIS ACT.

3. No company shall hereafter be incorporated under *The Ontario Joint Stock Companies' Letters Patent Act*, being chapter 157 of the Revised Statutes of Ontario, 1887, and amendments thereto, for which this Act is hereby substituted, but the future incorporation of every company by letters patent shall be governed by this Act, and all the provisions of this Act shall apply to every such company, subject to the provisions of any general Act applying to the company other than the said chapter 157 and amendments.

4. The provisions of sections 15 to 22 inclusive, and 24 to — inclusive shall apply to every company heretofore incorporated by letters patent issued under the authority of an Act of the Legislature of Ontario, subject to the provisions of any special Act or general Act applying to the company other than said chapter 157 and amendments.

5. The provisions of sections 15 to 21, inclusive, section 23, sections 25 to —, inclusive, and — and —, inclusive, shall apply to every company heretofore or at the present session incorporated by special Act of the Legislature of Ontario for purposes or objects within the scope of this Act, except such provisions as are inconsistent with the provisions of the special Act or amending Acts, or other special Acts relating to the company.

6. The provisions of sections 15 to 21, inclusive, sections 23, sections 25 to —, inclusive, and — to —, inclusive, shall, subject to any variations and exceptions by the special Act apply to every company hereafter incorporated by special Act of the Legislature of Ontario for purposes or objects within the scope of this Act, and the said provisions, subject as aforesaid, shall form part of the special Act and be construed together therewith as one Act.

7. The provisions of *The Ontario Joint Stock Companies General Clauses Act*, being chapter 156 of the Revised Statutes of Ontario, 1887, shall not apply to any company hereafter incorporated by special Act of the Legislature of Ontario for any of the purposes or objects within the scope of this Act.

INCORPORATION BY LETTERS PATENT.

Companies formed for certain purposes may be incorporated by letters patent.

8. The Lieutenant-Governor-in-Council may, by letters patent, grant a charter to any number of persons, not less than five, who shall petition therefor, creating and constituting such persons and any others who have become subscribers

to the memorandum of agreement, a body corporate and politic for any of the purposes or objects to which the legislative authority of the Legislature of Ontario extends, except the construction and working of railways, the business of insurance and the business of loan and other companies under *The Loan Corporations Act.*

Petition.

9. The applicants for incorporation, who must be of the full age of twenty-one years, may petition the Lieutenant-Governor, through the Provincial Secretary, for the issue of letters patent. The petition of the applicants shall show:

Name to be free from objection.

(*a*) The proposed corporate name of the company with the word "Limited" as the last word thereof;—such name shall not on any public ground be objectionable and shall not be that of any known company, incorporated or unincorporated, or of any partnership, or individual, or any name under which any known business is being carried on, or so nearly resembling the same as to deceive; provided, however, that a subsisting company, or partnership, or individual, or the person carrying on such business may consent that such name, in whole or in part, be granted to the new company.

Object.

(*b*) The objects, simply stated, for which the company is to be *incorporated.*

Head-office and place of service.

(*c*) The place within the Province of Ontario where the head-office of the company shall be situated, and where its principal books of account and its corporation records shall be kept and to which all communications and notices may be addressed.

Capital.

(*d*) The amount of the capital stock of the company;

Shares.

(*e*) The number of shares and the amount of each share;

Names of applicants.

(*f*) The name in full, the place of residence and the calling of each of the applicants. R. S. O. 1877, c. 157, s. 6.

Directors.

(*g*) The number, not less than three, of the board of directors, and the names of the applicants, not less than three, who are to be the provisional directors of the company.

Petition.

(*h*) The petition may be similar to, but in its essential features shall comply with, Schedule "B" to this Act, and must be accompanied by a memorandum of agreement, executed in duplicate, which may be similar to, but which shall in its essential features comply with, Schedule "A" to this Act.

Memo. of agreement.

Payments on shares.

(*i*) In case *any* amount has been paid in *on the shares taken* by transfer of property to a trustee, the Provincial Secretary may require such evidence as shall be satisfactory to him of said transfer and of the kind, nature and value of the property and the manner in which, and the person or persons or

corporate body by whom the property transferred, or any other payment, is held in trust for the company with a view to its incorporation.

Bona fides.

(*j*) Each petitioner shall be the *bona fide* holder in his own right of the share, or shares for which he has subscribed in the memorandum of agreement.

(*k*) The petition may ask for the embodying in the letters patent of any provision which, otherwise under this Act, might be embodied in any by-law of the company when incorporated. R. S. O. 1887, c. 157, s. 7.

Power to make general regulations as to notice, etc.

☞**10**. The Lieutenant-Governor-in-Council may, from time to time, make regulations with respect to the following matters, viz.:

(*a*) The cases in which notice of application for letters patent or supplementary letters patent under this Act must be given;

(*b*) The granting to one company power to carry on more than one kind of undertaking;

(*c*) The forms of letters patent, supplementary letters patent, licenses, notices and other instruments and documents relating to applications and other proceedings under this Act;

(*d*) The form and manner of the giving of any notice required by this Act;

and such regulations shall be published in *The Gazette*.☜

Preliminary conditions to be established.

11. Before the letters patent are issued, the applicants must establish to the satisfaction of the Provincial Secretary, or such other officer as may be charged by *him* to report thereon, the sufficiency of their memorandum of agreement and petition, and show that the proposed name is not open to objection under the seventh section of this Act. R. S. O. 1887, c. 157, s. 10.

Proof of matters under this Act.

12. The Provincial Secretary, the Assistant Provincial Secretary, or such other officer may for the purposes aforesaid, or for any other purpose under this Act, take any requisite evidence in writing under oath, or affirmation. R. S. O. 1887, c. 157, s. 11.

(*a*) Proof of any matter which may be necessary to be made under this Act, may be made by statutory declaration, or by affidavit, or by deposition before the Provincial Secretary, or Assistant Provincial Secretary, ☞or other officer as aforesaid,☜ or before any Justice of the Peace, or Commissioner for taking Affidavits, or Notary Public, who, for this purpose, are hereby authorized and empowered to administer oaths or to take affirmations. R. S. O. 1887, c 157, s. 11. ss. 2.

13. The Lieutenant-Governor may give to the company a corporate name wholly or partially different from the name proposed by the applicants in their petition, and may in the letters patent vary the powers of the company from the powers stated in the said petition. R. S. O. 1887, c. 157, s. 12. Name and incidental powers of company may be varied.

14. Notice of the granting of the said letters patent shall be given forthwith by the Provincial Secretary in *The Gazette*, and from the date of the letters patent the petitioners and the persons who signed the memorandum of agreement and their successors, respectively, shall be a corporation by the name mentioned therein, and shall be invested with all the powers, provisions and immunities which are incident to such corporation, or expressed, or included in the letters patent and *The Interpretation Act*, and which are necessary to carry into effect the intention and objects of the letters patent and such of the provisions of this Act as are applicable to the company. Notice of issuing letters patent.

Capital, Shares, Etc.

15. The company at any time after nine-tenths of the capital stock of the company has been subscribed and ten per centum thereon paid in, but not sooner, may, by by-law, provide for the increase of the capital stock of the company to any amount which it considers requisite for the due carrying out of the undertaking of the company. Increase of capital.

(*a*) The by-law shall declare the number and value of the shares of the new stock, and may prescribe the manner in which the same are to be allotted; otherwise, the control of such allotment shall vest absolutely in the directors. R. S. O. 1887, c. 157 s. 18.

16. The company if it sees fit at any time, may, by by-law, provide for the decrease of the capital stock of the company to any amount which it may consider sufficient for the due carrying out of the undertaking of the company and advisable. Reduction of capital.

(*a*) The by-law shall declare the number and value of the shares of the stock as so decreased; and the allotment thereof or the rule or rules by which the same is to be made. By-law for that purpose.

(*b*) The liability of shareholders to persons who are, at the time the stock is decreased, creditors of the company, shall remain as though the *stock* had not been decreased. R. S. O. 1887, c. 157, s. 20. Liability of shareholders on decrease.

17. The company may at any time, by by-law, provide for the *re*-division of the existing shares into shares of smaller or larger amount. R. S. O. 1887, c. 157, s. 17. *Re*-division of shares.

18. No by-law for increasing or decreasing the capital stock of the company, or *re*-dividing the shares, shall have any force or effect whatever unless and until it has been sanctioned by a vote of not less than two-thirds in value of the Such by-laws must be confirmed by supplementary letters patent.

shareholders at a general meeting *of the company* duly called for considering the by-law, and has afterwards been confirmed by supplementary letters patent. R. S. O. 1887, c. 157, s. 21.

Petition for supplementary letters patent.

19. At any time not more than six months after the sanction of such by-law, the company may petition the Lieutenant-Governor, through the Provincial Secretary, for the issue of supplementary letters patent to confirm the same.

By-law, etc., to be produced with petition.

(*a*) With the petition the company shall produce the by-law and establish to the satisfaction of the Provincial Secretary, or of such other officer as may be charged by *him* to report thereon, the due passage and sanction of the by-law, and if the petition is in respect of the increase or decrease of capital, the *bona fide* character of the increase or decrease of capital thereby provided for.

Granting of supplementary letters patent.

(*b*) Upon due proof so made, the Lieutenant-Governor-in Council may by supplementary letters patent confirm the by-law, and, with respect to an increase or decrease in capital, may, with the consent of the company, by the supplementary letters patent, fix the amount of such increase or decrease at such sum as shall to him seem proper; and notice thereof shall be given forthwith by the Provincial Secretary in *The Gazette*; and thereupon, from the date of the supplementary letters patent, the shares shall be *re*-divided, or the capital stock of the company shall be and remain increased or decreased, as the case may be, to the amount, in the manner, and subject to the conditions set forth by such by-law *and* supplementary letters patent; and the whole of the stock as so increased or decreased shall become subject to the provisions of this Act in like manner (so far as may be) as though every part thereof had *originally* formed part of the stock of the company. R. S. O. 1887, c. 157, s. 23.

Notice thereof.

Effect of such letters patent.

Preferential stock.

20. The directors of any company may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law.

Special rights of preference shareholders.

(*a*) The by-law may provide that the holders of *shares of* such preference *stock* shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Unanimous sanction required.

(*b*) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders, present in person or by proxy at a general meeting of the company duly called for considering the same, or unanimously sanctioned in writing by the shareholders of the company; provided, however, that if the by-law be sanctioned by three-fourths in value of the shareholders of the

Special proviso.

company, the company may, through the Provincial Secretary, petition the Lieutenant-Governor-in-Council for an order approving the said by-law, and the Lieutenant-Governor may, if he sees fit, approve thereof, and from the date of such approval the by-law shall be valid and may be acted upon.

Rights and liabilities of holders of preference stock.

(*c*) Holders of *shares of such* preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act, provided, however, that in respect of dividends and otherwise, they shall as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law.

Rights of creditors not impaired.

(*d*) Nothing in this section or done in pursance thereof shall affect or impair the rights of creditors of any company. R. S. O. 1887. c. 157, s. 24.

First Meeting.

Meeting of company for organization.

21. The provisional directors of every company shall, by a registered letter addressed to each shareholder, call a general meeting of the company to be held within two months of the date of the letters patent, for the purpose of organizing the company for the commencement of business. This first general meeting shall be held at such convenient place as the directors may determine.

Penalty.

(*a*) If the *said* meeting is not called by the provisional directors within the time required by this section, any three or more shareholders in the company shall have power to call the meeting and to proceed to the organization of the company.

Extension of Powers.

Additional powers which may be granted by Supplementary Letters Patent.

22. In case a resolution, authorizing an application by petition to the Lieutenant-Governor therefor, is passed by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at a general meeting of the company, duly called for considering the subject of such resolution, the Lieutenant-Governor-in-Council may, from time to time, direct the issue of supplementary letters patent to the company embracing any or all of the following matters:

(*a*) Extending the powers of the company to any objects within the scope of this Act, which the company may desire. R. S. O. 1887, c. 157. s. 26, ss. 1,

(*b*) Providing for the formation of a reserve fund.

(*c*) Varying any provision contained in the letters patent, so long as the alteration desired is not contrary to the provisions of this Act;

(*d*) Making provision for any other matter or thing in respect of which provision might have been made by the original letters patent. R. S. O. 1887, c. 157, s. 26.

Letters Patent for certain purposes may be granted to companies incorporated under special Acts.

23. Where any company has been incorporated by a special Act for purposes or objects within the scope of this Act, then, in case a resolution authorizing an application by petition to the Lieutenant-Governor therefor is passed by a vote of not less than two-thirds in value of the shareholders present in person, or by proxy, at a general meeting of the company, duly called for considering the subject of such resolution, the Lieutenant-Governor-in-Council may, from time to time, direct the issue of letters patent to the company, embracing any or all of the following matters:

(*a*) Extending the powers of the company to any objects within the scope of this Act, which the company may desire. R. S. O. 1887, c. 157, s. 78, ss. 1,

(*b*) Limiting or increasing the amount which the company may borrow upon debentures, or otherwise;

(*c*) Providing for the formation of a reserve fund;

(*d*) Varying any provision contained in the special Act, so long as the alteration is not contrary to the provisions of this Act;

(*e*) Making provision for any other matter or thing in respect of which provision might have been made had the company been incorporated under this Act.

Companies for manufacturing cheese authorized to manufacture and sell butter.

24. A company incorporated by letters patent for the manufacture of cheese, may without obtaining supplementary letters patent carry on the business of manufacturing and selling butter, provided the shareholders shall by by-law determine to extend its business so as to include the manufacture and sale of butter. 55 V. c. 35, s. 1.

Use of the Word "Limited."

Unabbreviated word "limited" to be inserted in all notices, etc.

25. Every company shall keep painted, or affixed its name with the unabbreviated word "Limited" as the last word thereof, on the outside of every office, or place in which the business of the company is carried on, in a conspicuous position, in letters easily legible; and shall have its name with the said unabbreviated word in legible characters on its seal, and shall have its name with the said unabbreviated word mentioned in legible characters in all notices, advertisements and other official publications of the company, and in all bills of exchange, promissory notes, indorsements, cheques and orders for money or goods purporting to be signed by or on behalf of such company, and in all bills of parcels, invoices of the company. 52 V. c. 26, s. 3.

Directors liable on written contracts, which do not show limited liability.

(*a*) The directors of *the* company shall be jointly and severally liable upon every written contract or undertaking of the company on the face whereof the unabbreviated word "Limited" is not distinctly written or printed as the last word in the name of the company where it first occurs in such contract or undertaking. 52 V. c. 26, s. 2.

(*b*) Every company which does not keep painted or affixed its name, with the unabbreviated word "Limited" as the last word thereof, in the manner directed by this section, shall incur a penalty of *twenty dollars* for every day during which such name is not so kept painted or affixed. 52 V. c. 26, s. 4. Penalty for violation of preceding section.

(*c*) Every director and manager of the company who knowingly and wilfully authorizes or permits such default, shall be liable to the like penalty. 52 V. c. 26, s. 5. Penalty for permitting violation.

(*d*) Every director, manager or officer of the company, and every person on its behalf, who uses or authorizes the use of any seal purporting to be a seal of the company whereon its name, with the said unabbreviated word "Limited" as the last word thereof, is not *thereon* as aforesaid, or who issues or authorizes the issue of any notice, advertisement or other official publication of such company, or who signs or authorizes to be signed on behalf of such company any bill of exchange, promissory note, indorsement, cheque, order for money or goods, or who issues or authorizes to be issued any bill of parcels, invoice or receipt of the company, wherein its name, with the said word as the last word thereof, is not mentioned in manner aforesaid, shall incur a penalty of *two hundred dollars* and shall also be personally liable to the holder of any such bill of exchange, promissory note, cheque or order for money or goods for the amount thereof, unless the same is duly paid by the company. 52 V. c. 26, s. 6. Penalty for using or authorizing use of seal without word "limited" on it.

Provided that this section shall not apply to any company not incorporated for commercial, mercantile, manufacturing, trading or business purposes or objects, where such company by its charter of incorporation is declared to be exempt from the provisions thereof, or to any company not incorporated for any of the said purposes, which, on proof thereof being shown to the Lieutenant-Governor-in-Council, is, on, from and after a date to be set forth in the order of the Lieutenant-Governor-in-Council in that behalf, declared to be exempt. 54 V. c. 32, s. 2. Proviso.

26. In case it is made to appear to the satisfaction of the Lieutenant-Governor-in-Council that any company is incorporated under a name the same as, or so similar to that of an existing company, partnership, individual, or to any name under which any existing business is being carried on, as to deceive, it shall be lawful for the Lieutenant-Governor by an Order-in-Council to change the name of the company to some other name to be set forth in the order; and no such alteration of name shall affect the rights or obligations of the company; and all proceedings may be continued and commenced by or against the company by its new name, that might have been continued or commenced by or against the company by its former name. R. S. O. 1887, c. 157, s. 14. Change of name and supplementary letters patent.

Incidental Powers of Companies.

27. The company shall, in addition to its other powers, possess power:

Seal. (*a*) To alter, or change its common seal at pleasure;

Personal property. (*b*) To take over, acquire, hold, use, sell and convey such personal property and movables, machinery, trade-marks, patents, licenses, and franchises or rights thereunder as may be deemed necessary, or expedient for the purposes for which the company is incorporated;

Buildings. (*c*) To erect on its property such works, shops, mills, buildings, houses and structures, and to make such improvements of what kind soever as may be convenient or necessary for the due carrying out of its undertaking;

Construction and maintenance of useful works. (*d*) To construct and maintain, or aid in the construction and maintenance of such works and improvements as may be deemed necessary, or advantageous to the due carrying out of its undertaking;

General powers. (*e*) To exercise and enjoy all the privileges and immunities and to do all acts requisite, or incidental to the due carrying on of its undertaking;

Branches of business. (*f*) To carry on any branch or branches of business incidental to the due carrying out of the objects for which the company was incorporated, and subsidiary thereto, and necessary to enable the company profitably to carry on its undertaking.

Real estate. (*g*) To acquire by purchase, lease, or other title, and to hold, use, sell, alienate and convey any real estate necessary for the carrying on of its undertaking, and the company shall upon its incorporation become and be invested with all the property and rights, real and personal, theretofore held by or for it under any trust created with a view to its incorporation.

Restrictions as to holding real estate. Provided, however, that, unless other special statutory enactments apply, no parcel of land, or interest therein at any time acquired by the company and not required for its actual use and occupation, or not held by way of security, or not situate within the limits, or within one mile of the limits of any city or town in this Province, shall be held by the company, or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the company shall no longer retain any interest therein unless by way of security; and further provided, that any such parcel of land, or any interest therein not within the exceptions hereinbefore mentioned, which shall be held by the company for a longer period than seven years, without being disposed of, shall be forfeited to Her Majesty for the use of this Province; provided also that the Lieu-

tenant-Governor-in-Council may extend the said period from time to time not exceeding in the whole twelve years; and further provided, that no such forfeiture shall take effect, or be enforced until the expiration of at least six calendar months after notice in writing to the company of the intention of Her Majesty to claim such forfeiture; and it shall be the duty of the company to give the Lieutenant-Governor-in-Council, when required, a full and correct statement of all lands at the date of such statement held by the company, or in trust for the company, and subject to these provisoes. Forfeiture.

STOCK, CALLS, ETC.

28. If the letters patent or special Act make no other definite provision, the *shares of the* stock of the company, so far as *they are* not allotted thereby, shall be allotted when and as the directors by by-law or otherwise ordain. R. S. O, 1887, c. 157, s. 42. Allotment of stock.

29. The *shares of the stock* of the company shall be deemed personal estate, and shall be transferable on the books of the company, in such manner only, and subject to all such conditions and restrictions as by this Act, or by the special Act, or by the letters patent or by-laws of the company may be prescribed. R. S. O. 1887, c. 157, s. 41. Stock, personal estate.

30. The directors may refuse to allow the entry, in any such book, of any transfer of *shares of* stock whereof the whole amount has not been paid in; and whenever entry is made in such book of any transfer of stock not fully paid in, to a person not being of apparently sufficient means, the directors present when such entry is authorized shall be jointly and severally, liable to the creditors of the company in the same manner and to the same extent as the transferring shareholder, but for such entry, would have been; but if any director present when such entry is allowed, forthwith, enters *a written* protest against the same, and within eight days thereafter causes such protest to be notified, by registered letter, to the Provincial Secretary, such director may thereby, and not otherwise, exonerate himself from such liability. R. S. O. 1887, c. 157, s. 51; R. S. O. 1887, c. 156, s. 27. *Amended.* Directors may disallow transfer of stock in certain cases. Their liability if they allow transfers to persons without means. How director may exonerate himself.

31. No transfer of *shares of* stock, unless made by sale under execution, or under the order or judgment of some competent Court in that behalf, shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable, *ad interim* jointly and severally with the transferor, to the company and its creditors, until entry thereof has been duly made in the books of the company. R. S. O. 1887, c. 157, s. 52. Transfer valid only after entry.

Restriction as to transfers.

32. No share shall be transferable until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon. R. S. O. 1887, c. 157, s. 48.

Company not to be liable in respect of trusts, etc.

33. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the shareholder in whose name the same stands on the books of the company shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, whether or not notice of the trust has been given to the company; and the company shall not be bound to see to the application of the money paid upon such receipt. R. S. O. 1887, c. 157, s. 58.

Calling in instalments.

34. The directors of the company may call in and demand from the shareholders thereof, respectively, the amount unpaid on shares of stock by them subscribed or held, at such times and places and in such payments or instalments as the letters patent, or this Act, or the by-laws of the company require or allow; and interest shall accrue at the legal rate for the time being, upon the amount of any unpaid call, from the day appointed for payment of such call. R. S. O. 1887, c. 157, s. 44.

Calls. Ten per cent. within first year.

35. Not less than ten per centum upon the allotted shares of stock of the company shall, by means of one or more calls formally made, be called in and made payable within one year from the incorporation of the company; the residue when and as the by-laws of the company direct. R. S. O. 1887, c. 157, s. 45.

Enforcement of payment of calls by action.

36. The company may enforce payment of all calls and interest thereon by action in any court of competent jurisdiction; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to state that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action has accrued to the company under this Act; and a certificate under the seal and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder, that such call or calls has or have been made and that so much is due by him and unpaid thereon, shall be received in all Courts as *prima facie* evidence to that effect. R. S. O. 1887, c. 157, s. 46.

Forfeiture of shares.

37. If after such demand or notice as by the special Act, or by the letters patent or by-laws of the company is prescribed, any call made upon any share or shares is not paid within such time as by such Act, or by such letters patent

or by-laws may be limited in that behalf, the directors in their discretion, by resolution to that effect, reciting the facts and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made; and the same shall thereupon become the property of the company and may be disposed of as, by by-law or otherwise, the company may ordain. R. S. O. 1887, c. 157, s. 47.

Trustees, etc., may vote.

38. Every executor, administrator, guardian or trustee, shall represent the stock in his hands, at all meetings of the company, and may vote accordingly as a shareholder; and every person who pledges his stock may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder. R. S. O. 1887, c. 157, s. 65. *See* R. S. O. c. 156, s. 41.

Mortgagor of stock may vote.

Joint holders of stock.

(*a*) If stock be held jointly by two or more persons, any one of them present at a meeting may in the absence of the other, or others, vote thereon, but if more than one joint-stock holder be present or be represented by proxy, they must vote together on the stock jointly held.

LIMITED LIABILITY, ETC.

Liability of shareholders.

39. Each shareholder, until the whole amount of his shares of stocks has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution, but not beyond the amount so unpaid of his said shares of stock, shall be the amount recoverable with costs, against such shareholder.

Set-off.

(*a*) Any shareholder may plead by way of defence, in whole or in part, any set-off which he could set up against the company except a claim for unpaid dividends, or a salary or allowance as a president or a director or the company. R. S. O. 1887, c. 157, s. 61.

Shareholders not liable beyond amount of stock.

(*b*) The shareholders of the company shall not as such be held responsible for any act, default or liability whatsoever, of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the company, beyond the unpaid amount of their respective shares in the capital stock thereof. R. S. O. 1887, c. 157, s. 62.

Trustees, etc., not personally liable.

40. No person holding shares of stock in the company as executor, administrator, guardian or trustee, shall be personally subject to liability as a shareholder; but the estates and funds in the hands of such person shall be liable in like

manner and to the same extent, as the testator or intestate or the minor, ward, or person interested in the trust fund, would be, if living and competent to act and holding such stock in his own name. R. S. O. 1887, c. 157, s. 63.

Mortgagees.

41. No person holding shares of stock as collateral security, shall be personally subject to liability as a shareholder; but the person *transferring* such *shares* as such collateral security shall be considered as holding the same, and shall be liable as a shareholder in respect thereof. R. S. O. 1887, c. 157, s. 64.

Directors and their Powers, Etc.

Board of directors.

42. The affairs of every company shall be managed by a board of not less than three directors who shall be elected by the shareholders in general meeting of the company assembled at some place within this Province. R. S. O. 1887, c. 157, *s. 29 and 32*.

Provisional directors.

43. The persons named as provisional directors in the special Act or in the letters patent shall be the directors of the company, until replaced by others duly elected in their stead. R. S. O. 1887, c. 157, s. 30.

Qualification of directors.

44. No person shall hold office as a director unless he is a shareholder owning stock absolutely in his own right, and not in arrear in respect of any call thereon, and where any person who is a director shall cease to be a *bona fide* holder of stock in the company, he shall thereupon cease to to be a director. R. S. O. 1887, c. 157, s. 31.

Yearly.

(*a*) The election of directors shall take place at the annual meeting, all the members of the board retiring, and (if otherwise qualified) being eligible for re-election.

Ballot.

(*b*) Elections of directors shall be by ballot;

Vacancies.

(*c*) Vacancies occurring in the board of directors may, unless the by-laws otherwise direct, be filled for the unexpired remainder of the term, by the board, from among the qualified shareholders of the company;

President and officers.

(*d*) The directors shall, from time to time, elect from among themselves a president of the company; and shall also name, and may remove at pleasure, all other officers thereof. R. S. O. 1887, c. 157, s. 33 (3-6).

Failure to elect directors, how remedied.

45. If at any time an election of directors is not made, or does not take effect at the proper time, the company shall not be held to be thereby dissolved; but such election may take place at any general meeting of the company duly called for that purpose; and directors shall continue in office until their successors are duly elected. R. S. O. 1887, c. 157, s. 34.

Change of number of directors or of head office in Ontario.

46.—(1) A company may by by-law increase or decrease the number of its directors, or may change the company's head-office in Ontario.

Validation of by-law.

(*a*) No by-law, for either of the said purposes shall be valid or acted upon unless it has been sanctioned by a vote of not less than two-thirds in value of the shareholders at a meeting of the company duly called for considering the subject of the by-law, or until a copy of the by-law, certified under the seal of the company, has been transmitted to the Provincial Secretary, and also has been published by the company once in *The Gazette*. R. S. O. 1887, c. 157, s. 35.

Notice.

(*b*) In case the head-office of the company is being changed, as aforesaid, then the company shall forthwith give notice of the fact in such newspapers and for such time as the regulations made under section 10 hereof may prescribe.

Powers and duties of directors.

47. The directors of the company shall have full power in all things to administer the affairs of the company; and may make, or cause to be made for the company, any description of contract which the company may by law enter into. R. S. O. 1887, c 157, s. 36.

By-laws.

48. The directors may, from time to time, make by-laws not contrary to law, or to the letters patent of the company, or to this Act, to regulate—

Stock.

(*a*) The allotment of stock; the making of calls thereon; the payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and of the proceeds thereof; the transfer of stock;

Dividends.

(*b*) The declaration and payment of dividends;

Directors, service, etc.

(*c*) The term of service not exceeding two years and the amount of the stock qualification of the directors.

Officers.

(*d*) The appointment, functions, duties and removal of all officers, agents and servants of the company; the security to be given by them to the company; and their remuneration;

Meetings.

(*e*) The time at which, and place where the general meetings of the company shall be held; the calling of meetings, regular and special, of the board of directors, and of the company; the quorum; the requirements as to proxies; and the procedure in all things at such meetings;

Fines.

(*f*) The imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and

Conduct of affairs generally.

(*g*) The conduct in all other particulars of the affairs of the company;

Confirmation of by-laws.

And may from time to time repeal, amend, or re-enact the same; but every such by-law, and every repeal, amendment,

or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company duly called for that purpose, shall only have force until the next annual meeting of the company; and in default of confirmation thereat, shall, at and from that time only, cease to have force; and in that case no new by-law to the same or like effect shall have any force until confirmed at a general meeting of the company; provided, however, that the company shall have power either at the general meeting, called as aforesaid, or at the annual meeting of the company, to repeal, amend, vary or otherwise deal with any by-laws which have been passed by the directors, but no act done or right acquired under any by-law shall be prejudicially affected by any such repeal, amendment, variation or other dealing. R. S. O. 1887, c. 157, s. 37.

By-laws may be varied.

Payment to president or directors.

49. No by-law for the payment of the president or any director, shall be valid or acted upon until the same has been confirmed at a general meeting. R. S. O. 1887, c. 157, s. 43.

Borrowing powers.

50. If authorized by by-law, passed by the directors and sanctioned by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at a general meeting of the company duly called for considering the subject of such by-law, the directors of the company may:

(*a*) Borrow money upon the credit of the company;

(*b*) Limit or increase the amount to be borrowed;

Power to issue bonds or debentures, and

(*c*) Issue the bonds, debentures, or other securities of the company for the lawful purposes of the company, and no other, and may pledge or sell the same for such sums and at such prices as may be deemed expedient or be necessary; but no such bonds, debentures, or other securities shall be for a less sum than one hundred dollars each, and

to grant mortgages.

(*d*) Hypothecate, mortgage or pledge *all or any of* the real or personal property, *rights and powers* of the company to secure any such bonds, debentures or other securities and any *indebtedness or* sum or sums so borrowed for the purposes of the company. R. S. O. 1887, c. 157, s. 38.

Annual, General and Special Meetings.

Mode of election.

Notice.

51. In default only of other express provisions in such behalf, by the special Act, or by the letters patent or by-laws of the company, notice of the time and place for holding general, including the annual, meetings of the company shall be given at least ten days previously thereto, in some newspaper published at or as near as may be to the head-office, and to the chief place of business of the company, if these differ; and also, in the case of companies having a capital exceeding $3,000, either by publishing the same in *The Gazette*, or by mailing the same

as a registered letter duly addressed to each shareholder at his last known post-office address at least ten days previous to such meeting. R. S. O. 1887, c. 157, s. 33. Annual meeting.

52. A general meeting, to be known as the annual meeting of the company, shall be held at such time and place in each year as the letters patent or by-laws of the company may provide, and in default of such provisions in that behalf the annual meeting shall be held on the *fourth* Wednesday in January in every year, at such place as may be determined by the directors. Special meetings.

53. The directors may, whenever they think fit and they shall upon a requisition made in writing by the holders of not less than one-tenth of the subscribed capital *stock* of the company convene a special general meeting of the company. Object.

54. Any requisition made by the shareholders shall express the object of the special general meeting proposed to be called, and shall be left at the head-office of the company. Duty of directors.

55. Upon the receipt of such requisition the directors shall forthwith proceed to convene a special general meeting. If they do not proceed to cause the same to be held within twenty-one days from the date upon which the requisition was left at the head-office of the company, the requisitionists, or any other shareholders amounting to the required one-tenth of the subscribed capital *stock* of the company may themselves convene such special general meeting. Notice for special meetings.

56. Ten days' notice at the least, specifying the place, the day and the hour of meeting, and the general nature of *the* business *to be considered*, shall be given to the shareholders by the directors, or by the requisitionists, as the case may be, in manner mentioned in section *fifty-one* of this Act, or in such other manner, if any, as *the by-laws of the company may* prescribe. Quorum.

57. No business shall be transacted at any such special general meeting called upon, or pursuant to requisition as aforesaid, unless a quorum of shareholders is present in person, or by proxy, at the time when the meeting proceeds to business; and such quorum shall be ascertained as follows, that is to say, if the shareholders at the time of the meeting do not exceed ten in number, the quorum shall be *three*, if they exceed ten there shall be added to the above quorum one for every four additional shareholders up to fifty, and one for every ten additional shareholders after fifty, with this limitation, that no quorum in any case shall exceed twenty.

58. If within one hour from the time appointed for such special general meeting, called upon or pursuant to requisition Dissolution of meeting.

aforesaid, a quorum is not present, the meeting, shall be dissolved.

Presiding officer.

59. The president of the company shall preside as chairman at every general meeting of the company.

Chairman to be elected when necessary.

60. If there is no president, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting, the shareholders present shall choose some one of their number to be chairman.

Adjournment by consent.

61. The chairman may, with the consent of the meeting, and subject to such conditions and restrictions as the meeting may decide, adjourn any meeting from time to time, and from place to place.

Procedure as to resolutions.

62. At any general meeting, unless a poll is demanded, a declaration by the chairman that a resolution has been carried and an entry to that effect in the proceedings of the company, shall be *prima facie* evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution.

When poll is demanded.

63. If a poll is demanded it shall be taken in such manner as the by-laws prescribe, and in default thereof, then as the chairman *may* direct. In the case of an equality of votes, at any general meeting, the chairman shall be entitled to a second or casting vote.

Votes.

64 At all general meetings of the company, every shareholder shall be entitled to as many votes as he holds shares in the company, and may vote by proxy.

Shareholders in arrear not to vote.

(*a*). No shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the company. R. S. O. 1887, c. 157, s. 49.

Notices, Summons, Actions, Etc.

Mode of incorporation, etc., how to be set forth in legal proceedings.

65. In an action or other proceeding, it shall not be requisite to set forth the mode of incorporation of the company, otherwise than by mention of it under its corporate name, as incorporated by virtue of a special Act, or of letters patent, or of letters patent and supplementary letters patent, as the case may be; and the letters patent, or supplementary letters patent themselves, or any exemplification, or copy thereof under the Great Seal, shall be conclusive proof of every matter and thing therein set forth. R. S. O. 1887, c. 157, s. 69.

Evidence of by-laws.

66. A copy of any by-law of the company, under its seal, and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of the by-law in all Courts in Ontario. R. S. O. 1887, c. 157, s. 40.

67. Any *writ*, notice, order or proceeding requiring authentication by the company may be signed by any director, manager or other authorized officer of the company, and need not be under the seal of the company. Authentication of summons and notices.

68. A notice to be served by the company upon a shareholder may be served either personally or by sending it through the post, in a registered letter, addressed to the shareholder at his place of abode as it last appeared on the books of the company. Service of notices.

69. A notice or other document served by post by the company on a shareholder shall be held to be served at the time when the registered letter containing it would be delivered in the ordinary course of post; and to prove the fact and time of service it shall be sufficient to prove that such letter was properly addressed and registered, and was put into the post-office, and the time when it was put in, and the time requisite for its delivery in the ordinary course of post. Time of service. Proof of service.

70. Any description of action may be prosecuted and maintained between the company and any shareholder thereof, and no shareholder shall, by reason of being a shareholder, be incompetent as a witness therein. Actions between company and shareholders.

BOOKS TO BE KEPT AND WHAT TO CONTAIN.

71. The company shall cause the secretary, or some other officer especially charged with that duty, to keep a book or books wherein shall be kept recorded :— Record books to be kept and what to contain.

(*a*) A copy of the letters patent incorporating the company and of any supplementary letters patent issued to the company: ☞and if incorporated by special Act, the chapter and year of such Act.☜

(*b*) The names, alphabetically arranged, of all persons who are or have been shareholders in the company;

(*c*) The post-office address and calling of every such person while such shareholder;

(*d*) The number of shares of stock held by each shareholder;

(*e*) The amounts paid in, and remaining unpaid, respectively, on the stock of each shareholder;

(*f*) The date and other particulars of all transfers of stock in their order; and

(*g*) The names, post-office addresses and callings of all persons who are or have been directors of the company; with the several dates at which each person became or ceased to be such director. R. S. O. 1887, c. 157, s. 50.

72. No director, officer or servant of the company shall knowingly make or assist to make any untrue entry in any such book, or shall refuse or neglect to make any proper entry Penalty for false entries.

therein; and any person violating wilfully the provisions of this section shall, besides any criminal liability which he may thereby incur, be liable in damages for all loss or injury which any person interested may have sustained thereby. R. S. O. 1887, c. 157, s. 55.

Powers of judge as to entries in, omissions from, and rectification of books.

73. If the name of any person is, without sufficient cause, entered in or omitted from such book or books of the company, or if default is made or unnecessary delay takes place in entering in said books, the fact of any person having ceased to be a shareholder of the company, the person or shareholder aggrieved, or any shareholder of the company, or the company itself may by application to a judge apply for an order that the book or books be rectified, and the judge may either refuse such application with or without costs to be paid by the applicant, or he may, if satisfied of the justice of the case, make an order for the rectification of the said book or books, and may direct the company to pay the costs of such motion or application and any damages the party aggrieved may have sustained. The judge may in any proceeding under this section, decide on any question relating to the title of any person who is a party to such proceeding to have his name entered in or omitted from the said books of the company, whether such question arises between two or more shareholders, or alleged shareholders, or between any shareholders or alleged shareholders, and the company, and, generally, the judge may in any such proceeding decide any question that it may be necessary or expedient to decide for the rectification of the said books; provided that the judge may direct an issue to be tried in which any question of law may be raised; ☞provided also that☜ an appeal shall lie, as in ordinary cases, before such court or judge; ☞and further provided that this section shall not deprive any Court of any jurisdiction it may have.☜

Costs.

Decision as to title.

Appeal.

Books to be open for inspection.

74. Such books shall during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders and creditors of the company, and their personal representatives or agents at the head-office, and every such shareholder, creditor, agent or representative, may make extracts therefrom. R. S. O. 1887, c. 157, s. 53.

Liability for refusal to allow inspection of books.

75. Any director or officer who refuses to permit any person entitled thereto to inspect such book or books, or make extracts therefrom, shall forfeit and pay to the party aggrieved the sum of *one hundred dollars;* and in case the amount is not paid within seven days after the recovery of judgment, the court in which the judgment is recovered, or a judge thereof, may direct the imprisonment of the offender for any period not exceeding three months unless the amount with costs is sooner paid. R. S. O. 1887, c. 157, s. 56.

76. Such books shall be *prima facie* evidence of all facts purporting to be thereby stated, in any action or proceeding against the company or against any shareholder. R. S. O. 1887, c. 157, s. 54. Books to be *prima facie* evidence.

77. The directors shall cause proper books of account to be kept containing full and true statements Books of account to be kept.

(*a*) Of the company's financial and trading transactions;

(*b*) Of the stock-in-trade of the company;

(*c*) Of the sums of money received and expended by the company, and the matters in respect of which *each* receipt or expenditure takes place, and,

(*d*) Of the credits and liabilities of the company;

(*e*) And also a book or books containing minutes of all the proceedings and votes of the company, or of the board of directors, respectively, and the by-laws of the company, duly authenticated, and such minutes shall be verified by the signature of the president, or other presiding officer of the company. Minutes of proceedings.

ANNUAL STATEMENT AND SUMMARY, ETC.

78. At each annual meeting, or, at least, once in every year, and at intervals of not more than fifteen months, the directors shall, at a general meeting duly called, lay before the company a statement of the income and expenditure of the company for the past year, made up to a date not more than three months before such annual or general meeting, and shall also lay before the company such further information respecting the company's financial position and profit and loss account as the by-laws or the charter of the company may require. Annual statement of income and expenditure.

79. The company shall, on or before the first day of February in every year, make out a summary in duplicate, verified as hereinafter required, containing as of the thirty-first day of December preceding, correctly stated, the following particulars:— R. S. O. 1887, c. 157, s. 57. Annual summary of the affairs of the company.

Contents of statement.

1. The corporate name of the company;

2. The manner in which the company is incorporated whether by special Act, or by letters patent.

3. The place where the head-office of the company is situated;

4. The place, or places where, or from which the undertaking of the company is carried on;

5. The name, residence and post-office *address* of the president and of the secretary, and of the treasurer of the company;

6. The name, residence and post-office address of each of the directors of the company;

7. The date upon which the last annual meeting of the company was held;

8. The amount of the capital of the company and the number of shares into which it is divided;

9. The number of shares subscribed for and allotted;

10. The amount of stock (if any) issued free from call; if none is so issued, this fact to be stated;

11. The amount issued subject to call;

12. The amount of calls made on each share;

13. The total amount of calls received;

14. The total amount of calls unpaid;

15. The total amount of shares forfeited;

16. The total amount of shares which have never been allotted or subscribed for;

17. The total amount for which shareholders of the company are liable in respect of unpaid stock held by them;

20. The said summary may also, after giving the information hereinbefore required, give in a concise form, such further information respecting the affairs of the company as the directors may consider expedient.

List of shareholders.

(*b*). The summary shall also contain a list of persons who, on the thirty-first day of December previously, were shareholders of the company; and such list shall state the names alphabetically arranged, and the address and occupation of each such person; the amount of stock held by each; and the amount if any unpaid and still due by each such person;

Return as to crude petroleum.

(*c*) Every company so long as it carries on the business of warehousing crude petroleum shall state the following additional particulars in the summary:—

(i.) The total quantity of crude petroleum actually held by the company for the purpose of answering transportation and warehouse receipts, accepted orders, and certificates of crude petroleum.

(ii.) The total quantity of crude petroleum in respect of which the company as warehousemen or carriers are liable to make delivery to other persons. *See* R. S. O. 1887, c. 122, s. 21.

Mode of writing the same.

(*d*) The summary, and every duplicate thereof required by this Act, shall be written, or printed on only one side of the sheet or sheets of paper containing the same.

Verification thereof.

(*e*) The summary shall be verified by the affidavit of the president and secretary, and if there are no such officers, or they, or either of them, are or is, at the proper time out of this Province, or otherwise unable to make the same, by the affidavit of the president or secretary and one of the directors, or two of the directors, as the case may require; and if the president or secretary does not make or join in the affidavit, the reason thereof shall be stated in the substituted affidavit.

(*f*) One of the duplicate summaries with the affidavit of verification, shall be posted up in a conspicuous position in the head-office of the company in Ontario, on or before the second day of February ; and the company shall keep the same so posted, until another summary is posted under the provisions of this Act ; and the other duplicate summary, verified as aforesaid, shall on or before the eighth day of February next after the time hereinbefore fixed for making the summary be transmitted by registered letter, to the Provincial Secretary and be addressed to him at the Parliament Buildings, Toronto. Posting there of. Deposit with Provincial Secretary.

(*g*) If a company makes default in complying with the provisions of this section, the company shall incur a penalty of twenty dollars for every day during which the default continues, and every director, manager or secretary of the company, who knowingly and wilfully authorizes or permits such default, shall incur the like penalty. Penalty for default.

Provided that this section shall not apply to any company until the first day of February next after the first thirty-first day of December, after the company has been organized, or has gone into actual operation, whichever shall first happen, and shall not be held to apply to any company which has ceased to carry on business ; and upon its being proved that any company to which this Act applies did not transact any business (other than the payment of taxes or the making of a return, or the furnishing of any list, statement, or other information to the Government of Ontario, or to any officer or department thereof) during the year for which it is alleged a return in accordance with the requirements of law has not been made such company shall be deemed to have ceased to carry on business within the meaning of this sub-section. R. S. O. 1887, c. 157, s. 57 *amended*. When section not to apply.

And further provided that this section shall not apply to any company not incorporated for commercial, mercantile, manufacturing, trading, or business purposes, or objects, where such company by its charter of incorporation is declared to be exempt from the provisions thereof, or to any company not incorporated for any of the said purposes which, on proof thereof being shown to Lieutenant-Governor-in-Council, is, on, from and after a date to be set forth in the order of the Lieutenant-Governor in Council in that behalf, declared to be exempt. 54 V., c. 32, s. 1, *amended*. Further proviso.

Inspectors may be Appointed.

80. Upon an application by not less than one-fifth in value of the shareholders of the company, the judge may, if he deems it necessary, appoint an inspector to investigate the affairs and management of the company, who shall report thereon to the judge, and the The Court may appoint an inspector.

expense of such investigation shall, in the discretion of the judge, be defrayed by the company, or by the applicants, or partly by the company and partly by the applicants as he shall order, and, if he thinks fit, he may require the applicants to give security to cover the probable cost of the investigation, and he may make necessary rules and prescribe the manner in which and the extent to which the investigation shall be conducted; or the judge may, if he deems it necessary, examine the officers or directors of the company under oath as to matters that shall come in question.

Examination by company.

(*b*) The company may by resolution passed at the annual meeting, or at a special general meeting called for the purpose, appoint an inspector to examine into the affairs of the company. The inspector so appointed shall have the same powers and perform the same duties as an inspector appointed by a judge, with this exception, that instead of making his report to the judge he shall make the same in such manner and to such persons as the company by said resolution directs.

Powers and duties of inspector.

Production of books and documents.

Examination on oath.

(*c*) It shall be the duty of all officers and agents of the company to produce for the examination of any such inspector all books and documents in their custody or power. Any such inspector may examine upon oath the officers and agents of the company in relation to its business, and may administer such oath accordingly. If any officer or agent refuses to produce any book or document hereby directed to be produced, or to answer any question relating to the affairs of the company, he shall incur a penalty not exceeding twenty dollars, in respect of each offence.

Penalty for non-production.

CONTRACTS, DIVIDENDS, ETC.

Contracts, etc., when to be binding on company.

81. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the company by any agent, officer or servant of the company, in general accordance with his powers as such under the by-laws or resolutions of the company, shall be binding upon the company; and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the *same* was made drawn, accepted or endorsed, as the case may be, in pursuance of any by-law, resolution or special vote or order; nor shall the party so acting as agent, officer or servant of the company, be thereby subjected individually to any liability therefor.

Not to purchase stock in other corporations.

82. The company shall not *under any circumstances* use any of its funds in the purchase of stock in any other corporation, unless and until the directors have been expressly authorized

by a by-law passed by them for the purpose and sanctioned by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at a general meeting of the company duly called for considering the subject of the by-law. R. S. O. 1887, c. 157, s. 60.

Liability of directors declaring a dividend when company is insolvent, etc.

83. The directors of the company shall not declare or pay any dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent, or diminishes the capital thereof, but if any director present when such dividend is declared, forthwith, or if any director then absent, within twenty-four hours after he has become aware thereof and able so to do, enters his written protest against the same, and within eight days thereafter causes such protest to be notified, by registered letter, to the Provincial Secretary, such director may thereby, and not otherwise, exonerate himself from liability. R. S. O. 1887, c. 157, s. 66.

How a director may avoid such liability.

No loan by company to shareholder.

84. No loan shall be made by the company to any shareholder, and if such loan is made, all directors and other officers of the company making the same, and in anywise assenting thereto shall be jointly and severally liable to the company for the amount thereof and also to third parties to the extent of such loan with legal interest, for all debts of the company contracted from the time of the making of the loan to that of the repayment thereof. R. S. O. 1887, c. 157, s. 67.

Liability of directors for wages.

85. The directors of the company shall be jointly and severally liable to the labourers, servants and apprentices thereof for all debts not exceeding one year's wages due for services performed for the company while they are such directors respectively; but no director shall be liable to an action therefor, unless the company has been sued therefor within one year after the debt became due, nor yet unless such director is sued therefor within one year from the time when he ceased to be such director, nor yet before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against the directors. R. S. O. 1877, c. 157, s. 68.

Winding up Acts to apply.

86. The company shall be subject to the provisions of any Act of the Legislature for the winding up of joint stock companies. R. S. O. 1887, c. 157, s. 79. *Amended.*

Auditors and their Duties.

Accounts may be audited.

87. If the special Act, letters patent or the by-laws of the company so direct, the accounts of the company shall be examined once at least in every year, and the correctness of the balance-sheet be ascertained, by an auditor.

Appointment of first auditor.

88. Such auditor may be appointed by resolution at a general meeting of the company; if so appointed, *he* shall hold office until the *next annual* general meeting *thereafter* unless previously removed by a resolution of the shareholders in general meeting; subsequent auditors may be appointed by a resolution by the company in general meeting.

Auditors may be shareholders.

89. The said auditor may be a shareholder of the company, but no person shall be eligible as an auditor who is interested, otherwise than as a shareholder, in any transaction of the company; and no director or other officer of the company shall be eligible during his continuance in office.

Remuneration of auditors.

90. The remuneration of the auditor *shall* be fixed by the company in general meeting; that of subsequent auditors shall be fixed by the company in general meeting.

Auditors re-eligible.

91. Any auditor shall be eligible for re-appointment.

Auditors shall examine accounts, etc.

92. Every auditor shall be supplied with a copy of the balance-sheet, and it shall be his duty to examine the same with the accounts and vouchers relating thereto.

Access of auditors to books, etc.

93. Every auditor shall have a list delivered to him of all books kept by the company, and shall at all reasonable times have access to the books and accounts of the company.

Auditors shall make reports to shareholders.

94. The auditor shall make a report to the shareholders upon the balance-sheet and accounts, and in every such report he shall state whether, in his opinion, the balance-sheet is a full and fair balance-sheet, and properly drawn up so as to exhibit a true and correct view of the state of the company's affairs, and, in case he has called for explanations, or information from the directors, or officers of the company, whether such explanation, or information has been given by the directors, and whether it has been satisfactory.

FEES, ETC.

Fees on letters patent, etc., to be fixed by Order-in-Council.

95. The Lieutenant-Governor-in-Council may, from time to time, establish, alter and regulate the tariff of the fees to be paid on applications under this Act; may designate the department or departments through which the issue of letters patent, or supplementary letters, or of licenses should be made; and may prescribe the forms of proceeding and record in respect thereof, and all other matters requisite for carrying out the objects of this Act. R. S. O. 1887, c. 157, s. 71.

May be varied.

(*a*) Such fees may be made to vary in amount, under any rule or rules—as to nature of company, amount of capital and otherwise—that may be deemed expedient.

(*b*) No step shall be taken in any Department towards the issue of any letters patent or supplementary letters patent, or license under this Act, until after all fees therefor have been duly paid. R.S.O. 1887, c. 157, s. 71 (2, 3). Restriction.

96. The provisions of this *and any other* Act relating to matters preliminary to the issue of the letters patent shall be deemed to be directory only; and no letters patent, or supplementary letters patent, or license, notice, order or other proceeding by or on behalf of the Lieutenant-Governor-in-Council, Provincial Secretary, or other Government or departmental officer under this *or any other* Act shall be held to be void or voidable on account of any irregularity, or otherwise, in respect of any matter preliminary to the issue of the letters patent, or supplementary letters patent, license, notice, order or other proceeding or of any alterations in *any* petition or papers submitted in order to *make them* comply with this *or any other* Act, or with the departmental practice thereunder. R. S. O. 1887, c. 157, s. 15, *amended.* Certain informalities not to invalidate letters patent, etc.

Liability for False Statements.

97. If any person in any return, report, certificate, balance sheet, or other document required by or for the purposes of this Act, wilfully makes a statement false in any material particular, he shall be liable on conviction on indictment to imprisonment for a term not exceeding six months, with or without hard labour, and on summary conviction to imprisonment not exceeding three months, with or without hard labor, and in either case to a fine of one hundred dollars in lieu of or in addition to such imprisonment as aforesaid; provided that a person charged with an offence under this section, may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon may give evidence in the same manner and with the like effect and consequences as any other witness. False returns, etc.

98. Where a prospectus or notice invites persons to subscribe or apply for shares, debenture stock, annuities or other securities as a company, incorporated under this Act, every person who is a director of the company at the time of the issue of the prospectus or notice, and every person who, having authorized such naming of him, is named in the prospectus or notice as a director of the company or as having agreed to become a director of the company either immediately, or after an interval of time, and every promoter of the company, and every person who has authorized the issue of the prospectus or notice, shall be liable to pay to all persons so subscribing or applying on the faith of such prospectus or notice compensation for the loss or damage they may have sustained by reason of any untrue statement in the prospectus or notice, or in any report or memorandum appearing on the face thereof, or by reference incorporated therein or issued therewith, unless it is proved— Liability for statements in prospectus.

(*a*) With respect to every such untrue statement not purporting to be made on the authority of an expert, or of a public official document or statement, that he had reasonable ground to believe, and up to the time of the allotment or issue of the shares, debenture-stock, annuities on lives, or other securities, as the case may be, did believe that the statement was true; and

(*b*) With respect to every such untrue statement purporting to be a statement by or contained in what purports to be a copy of or extract from a report or valuation of an engineer, valuer, accountant, or other expert, that it fairly represented the statement made by such engineer, valuer, accountant, or other expert, or was a correct and fair copy of or extract from the report or valuation. Provided always that notwithstanding that such untrue statement fairly represented the statement made by such engineer, valuer, accountant, or other expert, or was a correct and fair copy of or extract from the report or valuation, such director, person named, promoter, or other person, who authorized the issue of the prospectus or notice as aforesaid, shall be liable to pay compensation as aforesaid if it be proved that he had no reasonable ground to believe that the person making the statement, report or valuation was competent to make it; and

(*c*) With respect to every such untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, that it was a correct and fair representation of such statement or copy of or extract from such document,

or unless it is proved that, having consented to become a director of the company, he withdrew his consent before the issue of the prospectus or notice, and that the prospectus or notice was issued without his authority or consent; or that the prospectus or notice was issued without his knowledge or consent, and that on becoming aware of its issue he forthwith gave reasonable public notice that it was so issued without his knowledge or consent; or that after the issue of such prospectus or notice and before allotment or issue of the shares, debenture-stock, annuities on lives or other securities thereunder, he, on becoming aware of any untrue statement therein, withdrew his consent thereto and caused reasonable public notice of such withdrawal and of the reason therefor, to be given. 52 V. c. 34, s. 4.,

Statements in prospectus for raising further capital.

(*i*) Where any company incorporated or re-incorporated under this Act shall be desirous of obtaining further capital by subscriptions for shares, bonds, debentures, debenture-stock or other securities, and for that purpose shall issue a prospectus or notice, no director of such company shall be liable in respect of any statement therein, unless he shall have authorized the issue of such prospectus or notice, or have adopted or ratified the same. 54 V. c. 34, s. 4, (2).

(*ii*) Where any such prospectus or notice as aforesaid contains the name of a person as a director of a company, or as having agreed to become a director thereof, and such person has not consented to become a director, or has withdrawn his consent before the issue of such prospectus or notice, and has not authorized or consented to the issue thereof, the directors of the company, except any without whose knowledge or consent the prospectus or notice was issued, and any other person who authorized the issue of such prospectus or notice shall be liable to indemnify the person named as a director of the company, or as having agreed to become a director thereof as aforesaid, against all damages, costs, charges, and expenses to which he may be made liable by reason of his name having been inserted in the prospectus or notice, or in defending himself against any action or legal proceedings brought against him in respect thereof. 54 V. c. 34, s. 5. Indemnity where name of person has been improperly inserted.

(*iii*) Every person who by reason of his being a director, or named as a director or as having agreed to become a director, or of his having authorized the issue of the prospectus or notice, has become liable to make any payment under the provisions of this section, shall be entitled to recover contribution, from any other person who, if sued separately, would have been liable to make the same payment. 54 V. c. 34, s. 6. Contribution from co-directors, etc.

(*iv*) For the purposes of this section, unless the context otherwise requires:— Interpretation.

(1) "Untrue statement" includes a concealment *or* intentional non-disclosure of a material fact known to the director or promoter which might reasonably influence a person in determining whether to apply or not to apply for shares, debenture-stock, or other securities of the company for which application is invited. "Untrue statement."

(2) "Securities" includes bonds, debentures, investment bonds; also policies, certificate, or other instruments of suretyship, or guarantee, or instruments evidencing contracts in the nature thereof. "Securities."

(3) "Directors" includes the officers, by whatever name known, appointed to manage the affairs of the corporation. "Directors."

(4) "Promoter" means a promoter who was a party to the preparation of the prospectus or notice, or of the portion thereof containing such untrue statement, but shall not include any person by reason of his acting in a professional capacity for persons engaged in procuring the formation of the company. "Promoter."

(5) "Expert" includes any person whose profession gives authority to a statement made by him. 54 V. c. 34, s. 2. "Expert."

Penalty for false statements as to capital of companies.

99. Where any advertisement, letter-head, postal-card, account or document issued, published or circulated by any company incorporated under this Act, or any officer, agent or employee of any such company, purports to state the capital of the company, then the capital actually and in good faith subscribed shall be stated, and any such company, officer, agent or employee who causes to be inserted an advertisement in any newspaper or who publishes, issues or circulates, or causes to be published, issued or circulated any advertisement, letter-head, postal-card, account or document which states, as the capital of such company, any larger sum than the amount of such subscribed capital so actually and in good faith subscribed as aforesaid, or which contains any untrue or false statement as to the incorporation, control, supervision, management or financial standing of such company, and which statement is intended or calculated or likely to mislead or deceive any person dealing or having any business or transaction with said company, or with any officer, agent or employee of the company, shall, upon summary conviction thereof, be liable to a penalty not exceeding two hundred dollars and costs and not less than fifty dollars and costs, and in default of payment the offender, being any officer, agent or employee as aforesaid, shall be imprisoned with or without hard labor for a term not exceeding six months and not less than one month.

Forfeiture or Surrender of a Charter, Etc.

Forfeiture of charter for non-user.

100. If a company incorporated by *Letters Patent* does not go into actual operation within two years after incorporation, or, for two consecutive years, does not use its corporate powers *such* powers, except so far as is necessary for winding up the company, shall be forfeited, and its name, in whole or in part, may be granted to another company, notwithstanding anything contained in section 9 of this Act; and, in any action or proceeding where such non-user is alleged, proof of user shall lie upon the company, provided, however that no such forfeiture shall affect prejudicially the rights of creditors as they exist at the date of such forfeiture. R. S. O. 1887, c. 157, s. 70.

Revocation of charter.

(*a*) The charter of a company incorporated by letters patent, may, at any time, be declared to be forfeited, and may be revoked and made void by an order of the Lieutenant-Governor-in-Council on sufficient cause being shown to the Lieutenant-Governor-in-Council in that behalf, and such forfeiture, revocation and making void may be upon such conditions and subject to such provisions as to the Lieutenant-Governor may seem proper.

Individual liability for whole of the company's

101. If a company incorporated or re-incorporated by letters patent carries on business when the number of its shareholders is less than five for a period of six months after the

number has been so reduced, every person who is a shareholder in the company during the time that it so carries on business after such period of six months and is cognizant of the fact that it is so carrying on business with *less* than five shareholders shall be severally liable for the payment of the whole of the debts of the company contracted during such time, and may be sued for the same without the joinder in the action or suit of the company or of any other shareholder; provided, however, that any shareholder who has become aware that the company is carrying on business when the number of its shareholders is less than five, may serve a protest in writing on the company, and may, by registered letter, notify the Provincial Secretary of such protest having been served, and of the facts upon which it is based, and such shareholder may thereby, and not otherwise, from the date of his said protest and notification exonerate himself from liability, and if after notice from the Provincial Secretary the company refuses or neglects to bring the number of its shareholders up to five, such refusal or neglect may, upon the report of the Provincial Secretary, be regarded by the Lieutenant-Governor-in-Council as sufficient cause for the revocation of the company's charter.

Debts if business is carried on with less than five members.

102. The charter of a company incorporated by letters patent may be surrendered if the company proves to the satisfaction of the Lieutenant-Governor-in-Council:

A charter may be surrendered.

(*a*) That it has no debts existing, or other rights in question, or

(*b*) That it has parted with its property, divided its assets ratably amongst its shareholders, and has no debts, or liabilities, or

(*c*) That the debts and obligations of the company have been duly provided for or protected, *or* that the creditors of the company or other persons holding them consent,

and that the company has given notice of the application for acceptance of surrender as may be required by regulations made under section 10 of this Act, and the Lieutenant-Governor in-Council, upon a due compliance with the provisions of this section, may accept and direct the cancellation of the charter and may, by his order, fix a date upon and from which the company shall be deemed to be dissolved, and the company shall thereby and thereupon become dissolved accordingly.

Amalgamation of Companies.

103. Any two *or more* companies incorporated under the laws of this Province and having objects within the scope of this Act may, in the manner herein provided, unite, amalgamate

Amalgamation of companies

and consolidate their stock, property, businesses and franchises, and may enter into all contracts and agreements therewith necessary to such union and amalgamation. R. S. O. 1887, c. 169, s. 76 *amended.*

Joint agreement between directors proposing to amalgamate, etc.

(*a*) The directors of the companies proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement, to be executed under the corporate seal of each of the said companies, for the amalgamation and consolidation of the said companies, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new company, of which the last word shall be the word "Limited," the number of the directors thereof, and who shall be the first directors thereof and their places of residence, the number of shares of the capital stock, the amount of par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation, and how, and when directors of the new corporation shall be elected, with such other details as they deem necessary to perfect the new organization and the consolidation and amalgamation of the said companies, and the after management and working thereof.. R. S. O. 1887, c. 169, s. 77 *amended.*

To be submitted to shareholders of each company for consideration.

(*b*) The agreement shall be submitted to the shareholders of each of the said companies at a meeting thereof called in accordance with the by-laws and held separately for the purpose of taking the same into consideration. R. S. O. 1887, c. 169, s. 78

Vote by ballot to be taken.

(*c*) At such meetings of shareholders, the agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same, and each share shall entitle the holder thereof to one vote, and the ballots shall be cast in person or by proxy; and if two-thirds of the votes of all the shareholders of each of such *companies* are for the adoption of the agreement, then that fact shall be certified upon the agreement by the secretary of each of such companies under the corporate seal thereof; and if the agreement is so adopted at the respective meetings of the shareholders of each of the said companies, the companies by their joint petition may, through the Provincial Secretary, apply to the Lieutenant-Governor-in-Council for letters patent confirming the said agreement.

Upon completion of consolidation, the new corporation to possess rights, powers, etc., and be subject to duties, etc., of each of united societies.

(*d*) With their joint petition, the companies shall deposit with the Provincial Secretary, an original of the agreement, and shall furnish such further and other documents and evidence in this behalf as the Provincial Secretary shall require, and the Lieutenant-Governor-in-Council may by letters patent confirm such agreement, and on and from the date of the letters patent, confirming the said agreement, and from such date only, the said companies shall be deemed and taken to be amalgamated and consolidated and to form one

company by the name in the said agreement and letters patent provided, and the consolidated company shall possess all the properties, real, personal and mixed, rights, privileges, and franchises and be subject to all the liabilities, contracts, disabilities and duties of each of the companies so consolidated. R. S. O. 1887, c. 169, s. 80, *amended.*

(*f*) All rights of creditors to obtain payment of their claims out of the property, rights and assets of the company liable for such claims and all liens upon the property, rights, and assets of either of such *companies* shall be unimpaired by such consolidation, and all debts, *contracts*, liabilities and duties of either of the said companies shall thenceforth attach to the consolidated company, and be enforced against it to the same extent as if the said debts, *contracts*, liabilities and duties had been incurred or contracted by it.

Proviso as to rights of creditors, etc., of either of corporations.

(*g*) No action or proceeding, by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding, such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof. R. S. O. 1887, c. 169, s. 81.

Proviso as to actions, against

(*h*) The Provincial Secretary shall give such a notice respecting the amalgamation of the said companies as the regulations made under section 10 hereof may prescribe.

Notice in *Gazette*.

EXTRA-PROVINCIAL COMPANIES.

104. Every company not incorporated by or under the authority of an Act of the Legislature of Ontario which now or prior to the first day of November, A.D. 1897, carries on business in Ontario, having gain for its purpose or object, for the carrying on of which a company might be incorporated under this Act, shall, on or before the first day of November, A.D. 1897, make out and transmit to the Provincial Secretary a statement, under oath, shewing:

Special notice required by 1st November, 1897, from extra provincial companies.

(1) The corporate name of the company;

(2) How and under what special or general Act the company was incorporated, and the Acts amending such special or general Act;

(3) Where the head-office of the company is situated;

(4) The amount of the authorized capital stock;

(5) The amount of stock subscribed or issued and the amount paid up thereon;

(6) The nature of each kind of business which the company is empowered to carry on, and what kind or kinds is or are carried on in Ontario.

(b) If a company makes default in complying with the provisions of this section it shall incur a penalty of twenty dollars per day for every day during which such default continues, and every director, manager, secretary, agent, traveller or salesman of such company who with notice of such default transacts within Ontario any business whatever for such company, shall for each day upon which he so transacts such business incur a penalty of twenty dollars.

(c) Such public or other notice of the provisions of this section shall be given by the Provincial Secretary as the Lieutenant-Governor-in-Council may think proper.

(d) The Lieutenant-Governor-in-Council may, after the statement required by this section has been received by the Provincial Secretary, relieve in whole or in part any company or person from any penalty incurred by reason of default in transmitting such statement.

Certain powers may be granted by license to extra provincial companies.

105. Any company, incorporated otherwise than by or under the authority of an Act of the the Legislature of Ontario, desiring to carry on any of its business *which* is within the scope of this Act, within the Province of Ontario, may, through the Provincial Secretary, petition the Lieutenant-Governor-in-Council for a license so to do, and the Lieutenant-Governor-in-Council may thereupon authorize such company to use, exercise, and enjoy any powers, privileges and rights set forth in the said license. R. S. O. 1887, c. 157, s. 3. *Amended.*

Copy of Act or other instrument of incorporation to be deposited with Provincial Secretary.

(a) No such license shall be issued until such company has deposited in the office of the Provincial Secretary a true copy of the Act, charter or other instrument incorporating the company, verified in the manner which may be satisfactory to the Lieutenant-Governor-in-Council, together with a duly executed power of attorney, under its common seal, empowering some person therein named and residing in the Province of Ontario to act as its attorney and to sue and be sued, plead or be impleaded in any Court, and, generally, on behalf of such company and within the said Province, to accept service of process and to receive all lawful notices, and to do all acts and to execute all deeds and other instruments relating to the matters within the scope of the power of attorney, and such company may from time to time by a new or other power of attorney, executed and deposited as aforesaid, appoint another attorney within the Province for the purposes aforesaid to replace the attorney formerly appointed.

Power of Attorney.

Notice.

(b) *Such* notice of the granting of the said license shall be given forthwith by the Provincial Secretary in *The Gazette* as the regulations made under section 10 hereof may prescribe.

(*e*) The license, or any exemplification thereof under the Great Seal of Ontario, shall be sufficient evidence in any proceeding in any Court in this Province, of the due licensing of the company as aforesaid. Evidence of having been licensed.

(*f*) A company licensed as aforesaid, shall on or before the 8th day of February in every year during the continuance of such license, make to the Provincial Secretary a statement, according to a form approved of by the Lieutenant-Governor-in-Council for the purpose, containing information similar to that required under section 82 of this Act, or so much thereof as may be prescribed in such form.

(*g*) If a company makes default in complying with the provisions of this section, the company shall incur a penalty of twenty dollars for every day during which the default continues, and every director, manager, or secretary of the company, who knowingly and wilfully authorizes or permits such default, shall incur the like penalty. Penalty for default.

(*h*) The Lieutenant-Governor-in-Council may, by an order-in-council, to be published by the Provincial Secretary in *The Gazette*, and otherwise as may be prescribed by the said regulations, suspend, or revoke and make null and void any license granted, under this section, to any company which refuses or fails to comply with any of the provisions of this section, and, notwithstanding such suspension or revocation the rights of creditors of the company shall remain as at the time of such suspension or revocation.

(To be executed in duplicate; one duplicate to be deposited in the Office of the Provincial Secretary.)

SCHEDULE A.

THE.....COMPANY OF.....(LIMITED).

MEMORANDUM OF AGREEMENT AND STOCK-BOOK.

WE the undersigned do hereby severally covenant and agree each with the other to become incorporated as a company under the provisions of *The Ontario Companies' Act* under the name of THE..... .....COMPANY OF..... .....(LIMITED), or such other name as the Lieutenant-Governor-in-Council may give to the Company, with a capital of.....dollars, divided into.....shares of .....dollars each.

AND WE DO hereby severally, and not one for the other, subscribe for and agree to take the respective amounts of the capital stock of the said Company set opposite our respective names as hereunder and hereafter written, and to become shareholders in such company to the said amounts.

In witness whereof we have signed.

Name of subscriber.	Seal.	Amount of subscription.	Date and place of subscription.		Residence of subscriber.	Name of witness.
			Date.	Place.		
		$				

SCHEDULE B.

TO HIS HONOUR THE HONOURABLE.....

..... ETC., ETC., ETC.

Lieutenant-Governor of the Province of Ontario-in-Council:

THE PETITION of.....

.....

.....

.....

.....

.....*Humbly sheweth:—*

1. THAT Your Petitioners are desirous of obtaining by letters patent, under the Great Seal, a charter, under the provisions of *The Ontario Companies' Act*, constituting Your Petitioners and such others as may become shareho'ders in the Company thereby created, a body corporate and politic under the name of THE..... COMPANY (LIMITED), or such other name as shall appear to Your Honour to be proper in the premises.

2. THAT Your Petitioners have satisfied themselves and are assured that the corporate name under which incorporation is sought is not on any public ground objectionable, and that it is not that of any known company, incorporated or unincorporated, or of any partnership, or individual, or any name under which any known business is being carried on, or so nearly resembling the same as to deceive.*

3. THAT Your Petitioners have satisfied themselves and are assured that no public or private interest will be prejudicially affected by the incorporation of Your Petitioners as aforesaid. If otherwise, then the interests liable to be so affected shall be set out at length by affidavit to be briefly referred to here.

4. THAT Your Petitioners are of the full age of twenty-one years.

5. THAT the object for which incorporation as aforesaid is sought by Your Petitioners is to .....

.....

.....

.....

6. THAT the undertaking of the company will be carried on at (or from)....., which is (or are) within the Province of Ontario.

7. THAT the head-office of the Company will be at.....

* Add here when proper "except the name '.....' and Your Petitioners elsewhere shew that they have received the necessary consent in writing under section 9 of the said Act to the use of the name applied for."

8. THAT the amount of the capital stock of the Company to be.....dollars.

9. THAT the said stock is to be divided into..... shares of..... .....dollars each.

10. THAT the number of the Board of Directors of the Company is to be.....

11. THAT the said.....

.....

are to be the provisional directors of the Company.

11. THAT by subscribing therefor in a Memorandum of Agreement, duly executed, in duplicate, with a view to the incorporation of the Company, Your Petitioners have taken the amounts of stock set opposite their respective names, as follows :—

Petitioners.	Amount of stock subscribed for.
.....	$ .....
.....	$ .....
.....	$ .....
.....	$ .....
.....	$ .....
.....	$ .....
.....	$ .....
.....	$ .....
.....	$ .....
.....	$ .....
.....	$ .....
.....	$ .....

NOTE.—If any payment, in cash or otherwise, has *actually* been made by any petitioner on his stock, particulars thereof may be set out here.

YOUR PETITIONERS therefore pray that Your Honour may be pleased, by Letters Patent under the Great Seal, to grant a Charter to Your Petitioners constituting Your Petitioners and such others as have or may become subscribers in Memorandum of Agreement *and stock-book* of the Company thereby created, a body corporate and politic for the due carrying out of the undertaking aforesaid.

And Your Petitioners, as in duty bound, will ever pray.

Signatures of witnesses.

Signatures of petitioners.

Dated at....., this.....day of....., 18

No. 74.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Incorporation and Regulation of Joint Stock Companies.

First Reading, 19th February, 1897.
Second Reading, 18th March, 1897.

Mr. GIBSON,
(Hamilton.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 75.] BILL. [1897.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

55 V. c. 42, s. 340, ss. 2; s. 342, ss. 1, and s. 504, s.s. 13 amended. Electric light by-laws.

1. Subsection 2 of section 340, subsection 1 of section 342 and subsection 13 of section 504 of *The Consolidated Municipal Act, 1892*, are amended by adding the words "electric light" immediately after the word "gas" wherever the said word "gas" appears in the said several subsections.

By-laws heretofore passed for creating debts for electric light works.

2 No by-law of any municipality creating or intended to create a debt for the erection or purchase of, or for otherwise acquiring an electric light plant, heretofore passed and otherwise legal, shall be quashed or shall be deemed to be invalid or illegal by reason only that the period fixed in and by the said by-law for the repayment of the debt thereby created exceeds twenty years; provided always that such period does not exceed the period of thirty years as heretofore permitted in the case gas and waterworks.

By-law may include gas, electric light and waterworks.

3. It shall not be necessary to pass separate by-laws creating debts for the acquirement of gas, electric light or water works in case the municipality desires at the same time to acquire more than one of the said conveniences, but all or any two may be united in one by-law and one debt, or separate by-laws creating separate debts, in respect of this and subject matters, may at the option of the municipal council be submitted and passed, subject to the provisions of the said Act.

No. 75.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Municipal Act.

First Reading, 19th February, 1897.

Mr. GARROW.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 76.] **BILL.** [1897.

An Act to further improve The Act respecting the Department of Agriculture.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Department of Agriculture Amending Act, 1897.*

58 Vict. chap. 10, sec. 10, repealed.

2. The Act respecting *The Department of Agriculture* passed in the 58th year of Her Majesty's reign, chaptered 10, is amended by adding thereto the following as section 10.

When returns are not duly made to Department by municipalities.

10. In case any of the returns under the preceding sections are not made as required, or in case any of the municipal returns to the Bureau of Industries required under *The Consolidated Municipal Act, 1892*, or under any of the amendments thereto are not made, or in case the returns so made are not satisfactory to the Minister of Agriculture, the Minister may direct some competent person or persons to examine the books and records of the office or person designated by statute to report thereon and to make the return required, and the person so directed by the Minister shall upon the production of his written instructions from the Minister have full and free access to all the books and records necessary to the making up of the said return, and any person refusing to allow the person so authorized to have full and free access to such books and records shall upon summary conviction thereof be subject to a fine of not less than $20 nor more than $100 and costs, and in case of default in payment thereof may be committed to the common jail for a term of not less than thirty days, nor more than six months.

No. 76.

3rd Session, 8th Legislature, 60 Vict. 1897.

BILL.

An Act to further improve the Act respecting the Department of Agriculture.

First Reading, 19th February, 1897.

Mr. DRYDEN.

TORONTO.
Printed BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 77.] BILL. [1898.

An Act to improve The Trade Disputes Act, 1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Trade Disputes Amendment Act, 1897.*

57 V. c. 42, s. 15, amended.

2. The paragraph numbered 14 of section 15 of *The Trades Disputes Act, 1894*, is repealed, and the following is substituted therefor:

When parties fail to recommend member of council of arbitration.

14. In case either employers or employees or both fail to recommend any person to represent them on either or both the Councils as provided for in this section, the Lieutenant-Governor-in-Council may appoint a person or persons to fill the vacancy or vacancies.

57 V. c. 42, s. 16, amended.

3. Section 16 of the said Act is amended by adding the following:—

Mayors to notify registrar of strike or lockout.

4. The mayor of any city or town upon being notified that a strike or lockout is threatened, or has actually occurred within the municipality, shall at once notify the Registrar thereof by writing, stating the name of the employer, the nature of the dispute, and the number of employees involved, as far as his information will enable him so to do.

Duty of arbitrators on being notified of strike or lockout.

5. It shall be the duty of each of the councils of arbitration appointed under the said Act upon being notified that a strike or lockout has occurred or is threatened, to place itself as soon as practicable, in communication with the parties concerned and to endeavor by mediation to effect an amicable settlement, and if in the judgment of the council it is deemed best to enquire into the cause or causes of the controversy it

shall proceed as provided in the said Act in the case of a reference.

57 V. c. 42, s. 17, amended. Representation of parties at arbitration.

4. Section 17 of the said Act is amended by inserting after the word "Arbitration" the following words: "or in which the Council has determined to act as under the preceeding section of this Act."

57 V. c. 42, s. 18, amended.

5. Section 18 of the said Act is amended by adding thereto the following subsection:

Quorum of council of arbitration.

2. Any two members of the Council of Arbitration shall constitute a quorum for the transaction of business, and may hold meetings at any time and at any place within the Province of Ontario.

Investigation of disputes by one member of board.

3. The Council of Arbitration may order that an examination or investigation shall be held before any one member of the Council, but such member shall report upon such examination or investigation to the Council, and the decision of such member shall not be considered binding until approved by the Council or a majority thereof.

No. 77.

3rd Session, 8th Legislature, 60 Vict 1897.

BILL.

An Act to improve The Trade Disputes Act, 1894.

First Reading, 19th February, 1897.

Mr. DRYDEN.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 78.] BILL. [1897.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

By-laws of county councils for separating farm lands from towns and villages.

1.—(1) The county council of any county or union of counties upon the application of the owner or owners of farm lands lying within the limits of any town or incorporated village situate in the county may by by-law withdraw such lands, or any portion thereof, from the said town or village, and annex the same to some adjoining municipality, upon such terms as may have been agreed upon between the council of such adjoining municipality and that of the said town, or village, and the owners of the said lands, or in case of dispute upon such terms as may be determined by the county judge, whose award shall be final.

By-laws to define new limits of town or village.

(2) The by-law shall define by metes and bounds the new limits intended for such town or village.

No. 78.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Municipal Act.

First Reading, 22nd February, 1897.

Mr. GIBSON.
(Huron.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 79.] BILL. [1897.

An Act to make better provision for keeping and auditing Municipal and School Accounts.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Appointment of Provincial Municipal Auditor.

1. The Lieutenant-Governor in Council may from time to time appoint for the purposes of this Act an officer to be known as "The Provincial Municipal Auditor."

Auditor may make rules subject to approval by Order in Council.

2. It shall be the duty of the Provincial Municipal Auditor, subject to the approval of the Lieutenant-Governor in Council, from time to time to frame rules respecting the following matters namely :—

(*a*) The number and forms of books of account to be kept by the treasurers of county, township, town and village municipalities respectively;

(*b*) The system of book keeping to be adopted by all municipal treasurers, or by the treasurers of any class of municipalities, and by the treasurers of all or of any class of school boards;

(*c*) The manner in which books of account, vouchers, receipts, moneys and securities of municipalities and school boards shall be kept;

(*d*) The audit and examination of accounts and moneys of municipal corporations and of school moneys by municipal and school auditors respectively, or by the Provincial Municipal Auditor, or by any person appointed by him for that purpose.

Rules to have force of law.

3. The rules so made shall after approval by the Lieutenant-Governor in Council and publication in *The Ontario Gazette*, have the force of law, and any officer of a municipal corporation guilty of any wilful act or omission in contraven-

Penalty for violation of rules.

tion of such rules, in addition to any other penalty provided by law, shall upon conviction before two or more justices of the peace, be liable to a penalty of not more than $100, nor less than $20 and costs, and shall be disqualified for the period of two years thereafter from holding any municipal office.

Auditor to prepare books for municipalities.

4. In order that municipal accounts may be kept correctly and according to a uniform method, the said Auditor shall prepare a book or sets of books of account upon a proper system for use by county, township, town and village corporations respectively; and he shall submit the said books to the Lieutenant-Governor in Council for approval.

Books for use of school boards.

5. The said auditor when directed by and subject to the approval of the Lieutenant-Governor in Council as aforesaid, shall also from time to time prepare books of account upon a simple and uniform system of bookkeeping, for use by the various school boards throughout the Province.

Councils and boards to procure books prescribed.

6. After the approval of the said books by the Lieutenant-Governor in Council, and after notice of their preparation and publication has been given in *The Ontario Gazette*, and in two public newspapers published in the city of Toronto once a week for three successive weeks, the council of each of the said municipalities and each of the said school boards, shall within three months from the last publication of said notice, procure the book or books prescribed for their respective municipality or board, and shall keep the accounts of the municipality or board therein, and in accordance with the system provided thereby, and any municipality aforesaid which refuses or neglects so to do, shall be liable to the penalty of $200 for every month it may be in default, to be recovered by the said auditor or by any ratepayer in the municipality in any court of competent jurisdiction with full costs of suit; and every school board of any city or town which refuses or neglects so to do shall be liable to a penalty of $50, and every other school board shall be liable to a penalty of $25 for every month it may be in default, to be recovered by any ratepayer of the city or town or school section in any court of competent jurisdiction with full costs of suit.

Penalty.

Arrangements for publication of books.

7. In case there is no prospect of the publication of said books or of any one or more of them by some responsible publisher, the Auditor may call for tenders for their publication, and with the approval of the Lieutenant-Governor in Council, may arrange for such publication and for the sale thereof, and in order that said books may be supplied to the public at a reasonable cost, may, with the like approval, fix the price at which the same shall be sold.

Inspection and audit of municipal accounts.

8. The Provincial Municipal Auditor may at any time on his own motion, or whenever requested by any member of a municipal council, if directed by the Lieutenant-Governor in Council, or when required by a requisition in writing signed by thirty ratepayers resident in the municipality he shall, make a full audit, inspection and examination of the books, accounts, vouchers and moneys of any municipal corporation in the hands of the treasurer or collector thereof. The said Auditor may with the approval of the Lieutenant-Governor in Council appoint some other competent person to make such inspection, audit or examination and the person so appointed shall have all the powers and shall perform all the duties by this Act conferred or imposed upon the said Auditor when acting under this section.

Powers of auditor while holding investigation.

9. The said Auditor upon any such audit, examination or inspection may require the treasurer, collector or auditor of any municipality or school board, or any other person to appear and give evidence on oath, and for this purpose shall have the same power to summon such officers or other persons to attend as witnesses, to enforce their attendance, and to compel them to produce books and documents and to give evidence as any judge or court has in civil cases, and the officers of all municipalities and school boards shall as often as required by the said Auditor produce all books and documents required to be kept by them, at the treasurer's office for examination and inspection.

Treasurers and collectors to notify auditor of appointment and sureties.

10. It shall be the duty of every municipal treasurer within five days after his appointment to office to inform the said Auditor of his appointment and of his full name and post office address.

Report on inspection or audit, etc.

11. The Provincial Municipal Auditor or any other person making an audit, inspection or examination under this Act, shall report thereon to the council of the municipality, and to the Lieutenant-Governor, and shall in such report make such recommendations as may seem to him to be necessary to carry out the provisions of this Act and *The Municipal Act* and the School Laws as regards the keeping of the books and accounts of the municipality or board and so as best to secure the moneys and assets of the said corporation.

Members of councils to see that Act carried out.

12. It shall be the duty of every member of the council of a municipality, by every means in his power, to procure the due observance by the council and officers of the corporation of the provisions of this Act and the rules to be made hereunder, and to see that the recommendations of the said Auditor, or of any person appointed by him as hereinbefore mentioned are duly carried out.

Payment of expenses of inspection or audit by auditor.

13. Whenever the said Auditor personally conducts an audit, inquiry, inspection or examination under this Act, the fees and expenses to be allowed therefor shall be determined and certified by the Attorney-General or other Minister and shall become a debt due to the Crown from the municipality, and in default of payment thereof the Provincial Treasurer may deduct the same from any moneys payable to the municipality by the Province.

Payment of expenses when work done by another person.

14. Whenever such audit, inquiry, inspection or examination is conducted by any person other than the said Auditor, the fees and expense to be allowed for the same shall be determined by the Auditor subject to the approval of the Attorney-General or other Minister, and shall thenceforth become a debt due such person by the municipal corporation, and shall be payable within three months after demand thereof at the office of the treasurer of the municipality.

Remuneration of auditor.

15. The said Auditor shall not receive from any municipal corporation, or from any officer thereof, any fees or other remuneration for services rendered by him in the fulfilment of the duties of his office under this Act and in lieu of all other fees, emoluments or expenses he shall be paid out of the consolidated revenue fund such salary per annum as shall from time to time be provided by the Legislature, and reasonable travelling and other expenses.

Annual report of auditor.

16. The said Auditor shall annually prepare and present to the Lieutenant-Governor a report showing the number and character of the investigations made by him or under his direction during the preceding year, and also as to any changes in the law or in the rules made under this Act which he may consider advisable.

Bank to state balance of treasurer's account to member of council or board.

Statement of balance to be rendered quarterly.

17. The manager or other person in charge of the business of every chartered bank or private bank or company in which the treasurer of any municipality or school board deposits moneys and keeps an account as such treasurer, shall truly state the balance in the hands of the bank or company or charged to the treasurer at any time when required so to do by a member of the council or school board; and shall, on the 1st days of the months of January, April, July and October in every year, make up and deliver to the head of the municipality or chairman of the school board, as the case may be, a statement in writing signed by such manager or person in charge, showing the balance of such treasurer's account at the close of business on the last day of the preceding month, and the head of the municipality or chairman shall cause the same to be read at the next regular meeting of the council or school board held thereafter.

18. The mortgagor and every other person liable for the payment of any debt secured by a mortgage given to or held by a municipal corporation, shall on the 31st day of December, in every year, deliver to the head of the municipality a statement in writing showing the amount remaining unpaid upon such mortgage at the said date, and the head of the municipality shall lay the said statement before the council at the next regular meeting held thereafter.

Persons liable to corporation on mortgage to state balance due thereon annually.

19. The treasurer of every municipality and school board shall keep the moneys held by him as such treasurer entirely separate from his own moneys, and in depositing any moneys of the municipality or board in any bank or company he shall deposit the same to a separate account kept in his name as treasurer of the municipality or school board under some designation that will show the account to be an account of the money of such municipality or school board.

Treasurer to keep money of corporation or board separate from his own.

20. Clause (*c*) of subsection 2 of section 263 of *The Consolidated Municipal Act, 1892*, is repealed.

55 V. c. 42, s. 263, sub-s. 2, amended.

21. Every person guilty of any act or omission in contravention to this Act for which no other penalty is provided, shall be liable, on summary conviction thereof before two or more justices of the peace, to a fine of not less than $10 and not more than $20, and costs of conviction.

Penalties.

22. Nothing in this Act contained shall relieve municipal councillors or officers from any duty now imposed upon them by law.

Councillors and officers not relieved from other duties.

23. This Act may be read with and as part of *The Municipal Act, 1892*.

Act to be read with 55 V. c. 42.

No. 79.

3rd Session, 8th Legislature, 60 Vict., 1897

BILL.

An Act to make better provision for the keeping and auditing of Municipal and School Accounts.

First Reading, 22nd February, 1897.

THE ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 79.] BILL. [1897.

An Act to make better provision for keeping and auditing Municipal and School Accounts.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Appointment of Provincial Municipal Auditor.

1. The Lieutenant-Governor in Council may from time to time appoint for the purposes of this Act an *expert accountant who shall be* known as "The Provincial Municipal Auditor."

Auditor may make rules subject to approval by Order in Council.

2. It shall be the duty of the Provincial Municipal Auditor, subject to the approval of the Lieutenant-Governor in Council, from time to time to frame rules respecting the following matters namely:—

(*a*) The number and forms of books of account to be kept by the treasurers of county, township, town and village municipalities and of police villages respectively;

(*b*) The system of book keeping to be adopted by all municipal treasurers, or by the treasurers of any class of municipalities, and by the treasurers of all or of any class of school boards;

(*c*) The manner in which books of account, vouchers, receipts, moneys and securities of municipalities and school boards shall be kept;

(*d*) The audit and examination of accounts and moneys of municipal corporations and of school moneys by municipal and school auditors respectively, or by the Provincial Municipal Auditor, or by any person appointed by him for that purpose.

Rules to have force of law.

3. The rules so made shall after approval by the Lieutenant-Governor in Council and publication in *The Ontario*

Gazette, have the force of law, and any officer of a municipal corporation guilty of any wilful act or omission in contravention of such rules, in addition to any other penalty provided by law, shall upon conviction before two or more justices of the peace, be liable to a penalty of not more than $100, nor less than $20 and costs, and shall be disqualified for the period of two years thereafter from holding any municipal office.

Penalty for violation of rules.

Auditor to prepare books for municipalities.

4. In order that municipal accounts may be kept correctly and according to a uniform method, the said Auditor shall prepare a book or sets of books of account upon a proper system for use by county, township, town and village corporations *and police villages* respectively ; and he shall submit the said books to the Lieutenant-Governor in Council for approval.

Books for use of school boards.

5. The said auditor when directed by and subject to the approval of the Lieutenant-Governor in Council as aforesaid, shall also from time to time prepare books of account upon a simple and uniform system of bookkeeping, for use by the various school boards throughout the Province.

Councils and boards to procure books prescribed.

6. After the approval of the said books by the Lieutenant-Governor in Council, and after notice of their preparation and publication has been given in *The Ontario Gazette*, and in two public newspapers published in the city of Toronto once a week for three successive weeks, and after a notice of such approval has been sent to the clerk of each municipality by registered letter, the council of each of the said municipalities and each of the said school boards, shall within three months from the last publication of said notice, procure the book or books prescribed for their respective municipality or board, and shall keep the accounts of the municipality or board therein, and in accordance with the system provided thereby, and any municipality aforesaid which refuses or neglects so to do, shall be liable to the penalty of *$100* for every month it may be in default, to be recovered by the said auditor or by any ratepayer in the municipality with the consent of the auditor in any court of competent jurisdiction with full costs of suit ; and every school board of any city or town which refuses or neglects so to do shall be liable to a penalty of $50, and every other school board shall be liable to a penalty of $25 for every month it may be in default, to be recovered by any ratepayer of the city or town or school section with the consent of the auditor in any court of competent jurisdiction with full costs of suit.

Penalty.

Arrangements for publication of books.

7. In case there is no prospect of the publication of said books or of any one or more of them by some responsible publisher, the Auditor may call for tenders for their publication, and with the approval of the Lieutenant-Governor in Council, may arrange for such publication and for the sale thereof,

and in order that said books may be supplied to the public at a reasonable cost, may, with the like approval, fix the price at which the same shall be sold.

Inspection and audit of municipal accounts.

8. The Provincial Municipal Auditor may at any time on his own motion, or whenever requested by any member of a municipal council, or when required by a requisition in writing signed by thirty ratepayers resident in the municipality and directed by the Lieutenant-Governor in Council, he shall, make a full audit, inspection and examination of the books, accounts, vouchers and moneys of any municipal corporation in the hands of the treasurer or collector thereof. The said Auditor may with the approval of the Lieutenant-Governor in Council appoint some other expert accountant who is familiar with municipal accounts to make such inspection, audit or examination and the person so appointed shall have all the powers and shall perform all the duties by this Act conferred or imposed upon the said Auditor when acting under this section.

Act not to affect provisions of 55 V. c. 42, ss. 383, 384.

9. Nothing in this Act contained shall be deemed to affect or repeal the provisions of sections 383 or 384 of *The Consolidated Municipal Act, 1892*, relating to the issue of commissions of enquiry into the financial affairs of municipal corporations.

Powers of auditor while holding investigation.

10. The said Auditor upon any such audit, examination or inspection may require the treasurer, collector or auditor of any municipality or school board, or any other person to appear and give evidence on oath, and for this purpose shall have the same power to summon such officers or other persons to attend as witnesses, to enforce their attendance, and to compel them to produce books and documents and to give evidence as any judge or court has in civil cases, and the officers of all municipalities and school boards shall as often as required by the said Auditor produce all books and documents required to be kept by them, at the treasurer's office for examination and inspection.

Treasurers to notify auditor of appointment.

11. It shall be the duty of every municipal treasurer within five days after his appointment to office to inform the said Auditor of his appointment and of his full name and post office address.

Treasurer to produce books when required by auditor.

12.—(1) Every treasurer shall whenever requested so to do by the Provincial Municipal Auditor, at any reasonable time, produce and exhibit for examination and inspection all books, accounts, vouchers and documents in his hands as treasurer of the municipality.

Penalty.

(2) Any treasurer who neglects or refuses to comply with the provisions of subsection 1 of this section shall, on summary

conviction thereof, before two or more justices of the peace, be liable for each offence to a fine of not more than $20, nor less than $5, besides the costs of conviction.

Report on inspection or audit, etc.

13. The Provincial Municipal Auditor or any other person making an audit, inspection or examination under this Act, shall report thereon to the council of the municipality, and to the Lieutenant-Governor, and shall in such report make such recommendations as may seem to him to be necessary to carry out the provisions of this Act and *The Municipal Act* and the School Laws as regards the keeping of the books and accounts of the municipality or board and so as best to secure the moneys and assets of the said corporation.

Members of councils to see that Act carried out.

14. It shall be the duty of every member of the council of a municipality, by every means in his power, to procure the due observance by the council and officers of the corporation of the provisions of this Act and the rules to be made hereunder, and to see that the recommendations of the said Auditor, or of any person appointed by him as hereinbefore mentioned are duly carried out.

Payment of expenses of inspection or audit by auditor.

15. Whenever the said Auditor personally conducts an audit, inquiry, inspection or examination under this Act, the fees and expenses to be allowed therefor shall be determined and certified by the Attorney-General or other Minister and shall become a debt due to the Crown from the municipality, and in default of payment thereof the Provincial Treasurer may deduct the same from any moneys payable to the municipality by the Province.

Payment of expenses when work done by another person.

16. Whenever such audit, inquiry, inspection or examination is conducted by any person other than the said Auditor, the fees and expense to be allowed for the same shall be determined by the Auditor subject to the approval of the Attorney-General or other Minister, and shall thenceforth become a debt due such person by the municipal corporation, and shall be payable within three months after demand thereof at the office of the treasurer of the municipality.

Remuneration of auditor.

17. The said Auditor shall not receive from any municipal corporation, or from any officer thereof, any fees or other remuneration for services rendered by him in the fulfilment of the duties of his office under this Act, and in lieu of all other fees, emoluments or expenses he shall be paid out of the consolidated revenue fund such salary per annum as shall from time to time be provided by the Legislature, and reasonable travelling and other expenses.

By-laws directing payment of moneys into bank to credit of corporation.

18.—(1) The council of any municipality may by by-law direct that moneys payable to the municipality for taxes or rates and upon such other accounts as may be mentioned in

the by-law shall be by the person charged with the payment thereof paid into a chartered bank having an office in the municipality, and in such case the person making the payment shall obtain a receipt from the bank therefor, and produce the same to the municipal treasurer, who shall make the proper entries thereof in the books of the municipality.

(2) The council of any municipality may by by-law direct that moneys of the municipality paid to or received by the treasurer of the municipality, deposited in a chartered bank or elsewhere to the credit of the municipal corporation, shall be withdrawn therefrom only upon the cheque of the treasurer, countersigned by the head of the municipality or such other person or official as may be named in the by-law. By-laws directing that cheque of treasurer shall be counter-signed.

19. The said Auditor shall annually prepare and present to the Lieutenant-Governor a report showing the number and character of the investigations made by him or under his direction during the preceding year, and also as to any changes in the law or in the rules made under this Act which he may consider advisable. Annual report of auditor.

20. The manager or other person in charge of the business of every chartered bank or private bank or company in which the treasurer of any municipality or school board deposits moneys and keeps an account as such treasurer, shall truly state the balance in the hands of the bank or company or charged to the treasurer at any time when required so to do by a member of the council or school board; and shall, on the 1st days of the months of January, April, July and October in every year, make up and deliver to the head of the municipality or chairman of the school board, as the case may be, a statement in writing signed by such manager or person in charge, showing the balance of such treasurer's account at the close of business on the last day of the preceding month, and the head of the municipality or chairman shall cause the same to be read at the next regular meeting of the council or school board held thereafter. Bank to state balance of treasurer's account to member of council or board. Statement of balance to be rendered quarterly.

21. Nothing in this Act contained shall affect or impair any security heretofore given by any treasurer to the municipality for the due and faithful performance of the duties of his office, nor be deemed to relieve the sureties named in any bond or other security from liability in case of default on the part of the treasurer in duly accounting for all moneys coming into his hands. Nor shall anything herein contained relieve the council or board or any member thereof from their present duty to appoint competent auditors.

22. The mortgagor and every other person liable for the payment of any debt secured by a mortgage given to or held by a municipal corporation, shall on the 31st day of December, in every year, deliver to the head of the municipality a state- Persons liable to corporation on mortgage to state balance due thereon annually.

ment in writing showing the amount remaining unpaid upon such mortgage at the said date, and the head of the municipality shall lay the said statement before the council at the next regular meeting held thereafter.

Treasurer to keep money of corporation or board separate from his own.

23. The treasurer of every municipality and school board shall keep the moneys held by him as such treasurer entirely separate from his own moneys, and in depositing any moneys of the municipality or board in any bank or company he shall deposit the same to a separate account kept in his name as treasurer of the municipality or school board under some designation that will show the account to be an account of the money of such municipality or school board.

55 V. c. 42, s. 263, sub-s. 2, amended.

24. Clause (*c*) of subsection 2 of section 263 of *The Consolidated Municipal Act, 1892*, is repealed.

Penalties.

25. Every person guilty of any act or omission in contravention to this Act for which no other penalty is provided, shall be liable, on summary conviction thereof before two or more justices of the peace, to a fine of not less than *$5* and not more than $20, and costs of conviction.

Councillors and officers not relieved from other duties.

26. Nothing in this Act contained shall relieve municipal councillors or officers from any duty now imposed upon them by law.

Act to be read with 55 V. c. 42.

27. This Act may be read with and as part of *The Municipal Act, 1892*.

No. 79.

3rd Session, 8th Legislature, 60 Vict., 1897

BILL.

An Act to make better provision for the keeping and auditing of Municipal and School Accounts.

First Reading, 22nd February, 1897.
Second Reading, 9th March, 1897.

(Reprinted as amended in Committee of the Whole House.)

THE ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 79.] BILL. [1897.

An Act to make better provision for keeping and auditing Municipal and School Accounts.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Appointment of Provincial Municipal Auditor.

1. The Lieutenant-Governor in Council may from time to time appoint for the purposes of this Act ☞a Fellow of the Association of Chartered Accountants, or some other☜ *expert accountant who shall be* known as "The Provincial Municipal Auditor."

Auditor may make rules subject to approval by Order in Council.

2. It shall be the duty of the Provincial Municipal Auditor, subject to the approval of the Lieutenant-Governor in Council, from time to time to frame rules respecting the following matters namely:—

(*a*) The number and forms of books of account to be kept by the treasurers of county, *city*, township, town and village municipalities ☞and of police villages☜ respectively;

(*b*) The system of book keeping to be adopted by all municipal treasurers, or by the treasurers of any class of municipalities, and by the treasurers of all or of any class of school boards;

(*c*) The manner in which books of account, vouchers, receipts, moneys and securities of municipalities and school boards shall be kept;

(*d*) The audit and examination of accounts and moneys of municipal corporations and of school moneys by municipal and school auditors respectively, or by the Provincial Municipal Auditor, or by any person appointed by him for that purpose.

Rules to have force of law.

3. The rules so made shall after approval by the Lieutenant-Governor in Council and publication in *The Ontario Gazette*, have the force of law, and any officer of a municipal corporation guilty of any wilful act or omission in contravention of such rules, in addition to any other penalty provided by law, shall upon conviction before two or more justices of the peace, be liable to a penalty of not more than $100, nor less than $20 and costs, and shall be disqualified for the period of two years thereafter from holding any municipal office.

Penalty for violation of rules.

Auditor to prepare books for municipalities.

4. In order that municipal accounts may be kept correctly and according to a uniform method, the said Auditor shall prepare a book or sets of books of account upon a proper system for use by county, *city*, township, town and village corporations *and police villages* respectively ; and he shall submit the said books to the Lieutenant-Governor in Council for approval.

Books for use of school boards.

5. The said auditor when directed by and subject to the approval of the Lieutenant-Governor in Council as aforesaid, shall also from time to time prepare books of account upon a simple and uniform system of bookkeeping, for use by the various school boards throughout the Province, except in cities having a population of 15,000 or over, to be determined as hereinafter mentioned.

Councils and boards to procure books prescribed.

6. After the approval of the said books by the Lieutenant-Governor in Council, and after notice of their preparation and publication has been given in *The Ontario Gazette*, and in two public newspapers published in the city of Toronto once a week for three successive weeks, and after a notice of such approval has been sent to the clerk of each municipality *to which this Act applies* by registered letter the council of each of *such* municipalities and each of *such* school boards, shall at the beginning of the next year after the last publication of said notice, procure the book or books prescribed for their municipality or board, and shall keep the accounts of the municipality or board therein, and in accordance with the system provided thereby, and any municipality aforesaid which refuses or neglects so to do, shall be liable to the penalty of *$100* for every month it may be in default, to be recovered by the said auditor or by any ratepayer in the municipality with the consent of the auditor in any court of competent jurisdiction with full costs of suit ; and every school board of any city or town which refuses or neglects so to do shall be liable to a penalty of $50, and every other school board shall be liable to a penalty of $25 for every month it may be in default, to be recovered by any ratepayer of the city or town or school section with the consent of the auditor in any court of competent jurisdiction with full costs of suit.

Penalty.

(1) Provided, nevertheless, that where any municipality or board shall establish to the satisfaction of the Provincial Municipal Auditor that the system adopted and the books in use by such municipality or board are sufficient and satisfactory, and the auditor shall so certify, the use of the books or the adoption of the system hereinbefore provided for shall not be compulsory and the penalties in such case shall not be incurred.

Arrangements for publication of books.

7. In case there is no prospect of the publication of said books or of any one or more of them by some responsible publisher, the Auditor may call for tenders for their publication, and with the approval of the Lieutenant-Governor in Council, may arrange for such publication and for the sale thereof, and in order that said books may be supplied to the public at a reasonable cost, may, with the like approval, fix the price at which the same shall be sold.

Inspection and audit of municipal accounts.

8. The Provincial Municipal Auditor may at any time on his own motion, or whenever requested by any *two* members of a municipal council, an inspection, examination or audit, or when required by a requisition in writing signed by thirty ratepayers resident in the municipality and *when* directed by the Lieutenant Governor in Council, he shall make *an* inspection, examination *or audit* of the books, accounts, vouchers and moneys of any municipal corporation in the hands of the treasurer or collector thereof. The said Auditor may with the approval of the Lieutenant-Governor in Council appoint a Fellow of the Association of Chartered Accountants or some other expert accountant who is familiar with municipal accounts to make such inspection, audit or examination and the person so appointed shall have all the powers and shall perform all the duties by this Act conferred or imposed upon the said Auditor when acting under this section.

Act not to affect provisions of 55 V. c. 42, ss. 383, 384.

9. Nothing in this Act contained shall be deemed to affect or repeal the provisions of sections 383 or 384 of *The Consolidated Municipal Act, 1892*, relating to the issue of commissions of enquiry into the financial affairs of municipal corporations.

Powers of auditor while holding investigation.

10. The said Auditor upon any such audit, examination or inspection may require the treasurer, collector or auditor of any municipality or school board, or any other person to appear and give evidence on oath, and for this purpose *he* shall have the same power to summon such officers or other persons to attend as witnesses, to enforce their attendance, and to compel them to produce books and documents and to give evidence as any judge or court has in civil cases, and the officers of all municipalities and school boards shall as often as required by the said Auditor produce all books and documents required to be kept by them, at the treasurer's office for examination and inspection.

to notify auditor of appointment.

11. It shall be the duty of every municipal treasurer within five days after his appointment to office to inform the said Auditor of his appointment and of his full name and post office address.

Treasurer to produce books when required by auditor.

12.—(1) Every treasurer shall whenever requested so to do by the Provincial Municipal Auditor, at any reasonable time, produce and exhibit for examination and inspection all books, accounts, vouchers and documents in his hands as treasurer of the municipality.

Penalty.

(2) Any treasurer who neglects or refuses to comply with the provisions of subsection 1 of this section shall, on summary conviction thereof, before two or more justices of the peace, be liable for each offence to a fine of not more than $20, nor less than $5, besides the costs of conviction.

Report on inspection or audit, etc.

13. The Provincial Municipal Auditor or any other person making an audit, inspection or examination under this Act, shall report thereon to the council of the municipality, and to the Lieutenant-Governor, and shall in such report make such recommendations as may seem to him to be necessary to carry out the provisions of this Act and *The Municipal Act* and the School Laws as regards the keeping of the books and accounts of the municipality or board and so as best to secure the moneys and assets of the said corporation.

Members of councils to see that Act carried out.

14. It shall be the duty of every member of the council of a municipality, by every means in his power, to procure the due observance by the council and officers of the corporation of the provisions of this Act and the rules to be made hereunder, and to see that the recommendations of the said Auditor, or of any person appointed by him as hereinbefore mentioned are duly carried out.

Payment of expenses of inspection audit by auditor.

15. Whenever the said Auditor personally conducts an audit, inquiry, inspection or examination under this Act, the fees and expenses to be allowed therefor shall be determined and certified by the Attorney-General or other Minister and shall become a debt due to the Crown from the municipality, and in default of payment thereof the Provincial Treasurer may deduct the same from any moneys payable to the municipality by the Province, or may be recovered in any court of competent jurisdiction in the name of the Provincial Auditor.

Payment of expenses when work done by another person.

16. Whenever such audit, inquiry, inspection or examination is conducted by any person other than the said Auditor, the fees and expense to be allowed for the same shall be determined by the Auditor subject to the approval of the Attorney-General or other Minister, and shall thenceforth

become a debt due such person by the municipal corporation, and shall be payable within three months after demand thereof at the office of the treasurer of the municipality.

Remuneration of auditor.

17. The said Auditor shall not receive from any municipal corporation, or from any officer thereof, any fees or other remuneration for services rendered by him in the fulfilment of the duties of his office under this Act, and in lieu of all other fees, emoluments or expenses he shall be paid out of the consolidated revenue fund such salary per annum as shall from time to time be provided by the Legislature, and reasonable travelling and other expenses.

By laws directing payment of moneys into bank to credit of corporation.

18.—(1) The council of any municipality may by by-law direct that moneys payable to the municipality for taxes or rates and upon such other accounts as may be mentioned in the by-law shall be by the person charged with the payment thereof paid into a chartered bank having an office in the municipality, and in such case the person making the payment shall obtain a receipt from the bank therefor, and produce the same to the municipal treasurer, who shall make the proper entries thereof in the books of the municipality.

By-laws directing that cheque of treasurer shall be countersigned.

(2) The council of any municipality may by by-law direct that moneys of the municipality paid to or received by the treasurer of the municipality, deposited in a chartered bank or elsewhere to the credit of the municipal corporation, shall be withdrawn therefrom only upon the cheque of the treasurer, countersigned by the head of the municipality or such other person or official as may be named in the by-law.

Annual report of auditor.

19. The said Auditor shall annually prepare and present to the Lieutenant-Governor a report showing the number and character of the investigations made by him or under his direction during the preceding year, and also as to any changes in the law or in the rules made under this Act which he may consider advisable.

Bank to state balance of treasurer's account to member of council or board.

20. The manager or other person in charge of the business of every chartered bank or private bank or company in which the treasurer of any municipality or school board deposits moneys and keeps an account as such treasurer, shall truly state the balance in the hands of the bank or company or charged to the treasurer at any time when required so to do by a member of the council or school board; and shall, on *or before* the *fourth* day of the months of January, April, July and October in every year, make up and deliver or send by registered letter to the head of the municipality or chairman of the school board, as the case may be, a statement in writing signed by such manager or person in charge, showing the balance of such treasurer's account at the close of business on the last day of the preceding month, and the head of the municipality or chairman shall cause the same to be read at the next regular meeting of the council or school board held thereafter.

Statement of balance to be rendered quarterly.

Securities heretofore given by treasurers not affected.

☞**21**. Nothing in this Act contained shall affect or impair any security heretofore given by any treasurer to the municipality for the due and faithful performance of the duties of his office, nor be deemed to relieve the sureties named in any bond or other security from liability in case of default on the part of the treasurer in duly accounting for all moneys coming into his hands. Nor shall anything herein contained relieve the council or board or any member thereof from their present duty to appoint competent auditors.☜

Persons liable to corporation on mortgage to state balance due thereon annually.

22. The mortgagor and every other person liable for the payment of any debt secured by a mortgage given to or held by a municipal corporation, shall on the 31st day of December, in every year, deliver to the head of the municipality a statement in writing showing the amount remaining unpaid upon such mortgage at the said date, and the head of the municipality shall lay the said statement before the council at the next regular meeting held thereafter.

Treasurer to keep money of corporation or board separate from his own.

23. The treasurer of every municipality and school board shall keep the moneys held by him as such treasurer entirely separate from his own moneys, and in depositing any moneys of the municipality or board in any bank or company he shall deposit the same to a separate account kept in his name as treasurer of the municipality or school board under some designation that will show the account to be an account of the money of such municipality or school board.

55 V. c. 42, s. 263, sub-s. 2, amended.

24. Clause (*c*) of subsection 2 of section 263 of *The Consolidated Municipal Act, 1892*, is repealed.

Penalties.

25. Every person guilty of any act or omission in contravention *of* this Act for which no other penalty is provided, shall be liable, on summary conviction thereof before two or more justices of the peace, to a fine of not less than *$5* and not more than $20, and costs of conviction.

Councillors and officers not relieved from other duties.

26. Nothing in this Act contained shall relieve municipal councillors or officers from any duty now imposed upon them by law.

Act not to apply to cities of over 15,000.

☞**27**. This Act shall not apply to cities having a population of over fifteen thousand by the latest enumeration of the assessors; and the word "city" when it appears herein shall apply and include only cities having a population of fifteen thousand or less.☜

Act to be read with 55 V. c. 42.

28. This Act may be read with and as part of *The Municipal Act, 1892*.

No. 79.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to make better provision for the keeping and auditing of Municipal and School Accounts.

First Reading, 22nd February, 1897.
Second Reading, 9th March, 1897.

(Reprinted as again amended in Committee of the Whole House.)

THE ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 80.] **BILL.** [1897.

An Act to amend and consolidate the Acts respecting the Administration of Justice in those portions of the Province outside of County Organization.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Unorganized Territory Act, 1897.*" R. S. O. 1887, c. 91, s. 1. Short title.

TERRITORIAL AND PROVISIONAL JUDICIAL DISTRICTS.

2.—(1) The Provisional Judicial District of Thunder Bay, exclusive of the Territorial District of Rainy River, shall be hereafter called The Territorial District of Thunder Bay. Territorial Districts of Thunder Bay,

(2) The Provisional Judicial District of Algoma, exclusive of the Temporary Judicial District of Manitoulin, as constituted by the Act passed in the 51st year of Her Majesty's reign, entitled *An Act respecting Manitoulin*, shall be called The Territorial District of Algoma. Algoma,

(3) The said Temporary Judicial District of Manitoulin shall be hereafter called The Territorial District of Manitoulin. Manitoulin,

(4) The Provisional Judicial District of Nipissing may be also called the Territorial District of Nipissing. Nipissing.

3. Subject to the provisions of this Act, the Territorial Districts hereinafter mentioned shall form Provisional Judicial Districts:— Provisional Judicial Districts.

1. Thunder Bay and Rainy River shall form The Provisional Judicial District of Thunder Bay and Rainy River. Vide R. S. O. 1887, c. 5, s. 1 (45, 46). Thunder Bay and Rainy River.

Algoma and Manitoulin.

2. Algoma and Manitoulin shall form The Provisional Judicial District of Algoma and Manitoulin. Vide R. S. O. 1887, c. 5, s. 1 (44); 51 V. c. 14, s. 1.

Nipissing.

3. Nipissing shall form The Provisional Judicial District of Nipissing. 57 V. c. 33, s. 1.

Muskoka and Parry Sound.

4. Muskoka and Parry Sound shall form The Provisional Judicial District of Muskoka and Parry Sound. 51 V. c. 13, s. 1.

Senior and Junior Districts.

Senior and Junior Districts.

4. The Districts of Thunder Bay, Algoma and Parry Sound are hereafter referred to and shall be known as the Senior Districts of their respective Provisional Judicial Districts, and Rainy River, Manitoulin and Muskoka as the Junior Districts.

COURTS IN DISTRICTS.

Courts.

5. There shall be in each of the said Provisional Judicial Districts, and in each Provisional Judicial District hereafter established, a District Court and a Surrogate Court, and the District, Surrogate and Division Courts already established for the territory included in the said several Provisional Judicial Districts shall continue, subject to the provisions of this Act. R. S. O. 1887, c. 91, ss. 52, 54; 51 V. c. 13, s. 3; 57 V. c. 33, s. 2

Judges of District Courts.

6.—(1) The District Courts shall be presided over by Judges appointed in accordance with the provisions of *The British North America Act, 1867*, and the tenure of office of the said Judges shall be the same as that of County Court Judges, and each of such Judges shall live within the limits of the Provisional Judicial District for which he is appointed.

Qualification.

(2) Every Judge or Junior Judge appointed shall be a Barrister of not less than five years standing at the Bar of Ontario.

Local Courts Act to apply.

(3) Subject to the preceding subsection *The Local Courts Act* shall apply to Provisional Judicial Districts as if every such district were a county. R. S. O. 1887, c. 91, s. 52; 53 V. c. 25, ss. 3-5.

Surrogate Judges.

(4) The District Judges who are now Judges of the Surrogate Courts of the said districts shall continue to be the Judges thereof. Vide R. S. O. 1887, c. 91, s. 54, (2); 57 V. c. 13, s. 3, (2); 57 V. c. 20, s. 6.

Certain Acts to apply.

7.—(1) *The Local Courts Act* and *The Act respecting the County Judges' Criminal Courts* shall extend to the said Provisional Judicial Districts and to the Judges of the said District Courts, and to every Provisional Judicial District hereafter established, and to the Judge of the District Court thereof; and the laws and rules now in force or which may be

hereafter passed with respect to Surrogate Courts or Surrogate Judges in counties, or to Courts of General Sessions of the Peace in counties, and the powers of the Justices thereat, or to appeals to the Judges of the County Courts, or with respect to County Courts, or the power, authority or jurisdiction of the Judges of such Courts, whether sitting in or out of Court, and to the appointment and duties of Local Crown Attorneys, Clerks of the Peace, Sheriffs, Coroners, Clerks, Constables and all other officers attached to such Courts or employed in the administration of justice in connection therewith, shall, unless there is something in the context indicating a different intention, or unless the same is contrary to the express provisions of this Act, also apply to every Provisional Judicial District. Vide R. S. O. 1887, c. 91, ss. 53 (1), 55; 53 V. c. 25, ss. 3-5; 57 V. c. 33, s. 3 (1).

"District" to be read for "county" in Acts relating to local courts.

(2) The word "District" shall be substituted for the word "County" in the titles of such Courts and officers, as well as in the application of such Acts, laws and rules to Provisional Judicial Districts.

Where Courts to be held in new districts.

(3) Such Courts shall be held in each new Provisional Judicial District at the place or places which the Lieutenant-Governor in Council by proclamation from time to time appoints. *See* R. S. O. 1887, c. 91, s. 53.

Territorial Districts to be regarded as counties.

8. The said Territorial Districts shall be regarded for judicial purposes as if such several districts were separate counties except that where two Territorial Districts are united to form one Provisional Judicial District an offender may be tried in whichever of the districts so united it is more convenient to try him, and except that the District Court of a Provisional Judicial District composed of two Territorial Districts shall have jurisdiction over each of the Territorial Districts forming the Provisional Judicial District to be exercised in like manner as the High Court exercises jurisdiction over several counties, and except where otherwise provided in this Act. Vide R. S. O. 1887, s. 68; 51 V. c. 13, s. 15, c. 14, s. 5 (3), and s. 15; 57 V. c. 32, s. 3.

District Towns.

District towns.

9.—(1) The following shall be the District Towns of the several Territorial Districts:—

Port Arthur,—of the District of Thunder Bay.
Rat Portage,—of the District of Rainy River.
Sault Ste. Marie,—of the District of Algoma.
Gore Bay,—of the District of Manitoulin.
North Bay,—of the District of Nipissing.
Parry Sound,—of the District of Parry Sound, and
Bracebridge,—of the District of Muskoka.

Where clerk's office to be kept.

(2) In Provisional Judicial Districts, consisting of one Territorial District, the Clerks of the District Courts shall keep their offices in the District towns of their Districts. Where a Provisional Judicial District is composed of more than one Territorial District, the Clerk of the District Court shall keep his office in the District town of the Senior District, and the Deputy Clerk of such Court shall keep his office in the District town of the Junior District. 57 V. c. 33, s. 3 (4).

Jurisdiction of District Courts.

10. The said District Courts shall have the same jurisdiction as is possessed by County Courts.

Chamber Matters in District Court.

Jurisdiction of Stipendiary Magistrate in chamber matters in District Court where action commenced in Rainy River.

11.—(1) In respect of actions commenced or to be commenced in the Provisional Judicial District Court of Thunder Bay and Rainy River by the issue of process out of the office of the deputy clerk for the District of Rainy River, the Stipendiary Magistrate for the District of Rainy River may, subject to an appeal to the Judge of the District Court, do all such things and transact all such business and exercise all such authority and jurisdiction as, by virtue of any statute or custom, or by the rules and practice in force in the said District Court, may be done, transacted or exercised by the said Judge in Chambers, except (unless by consent of the parties) in respect of the following proceedings and matters, that is to say :—

(*a*) The referring of causes under any Act in force respecting references;

(*b*) Reviewing taxation of costs ; and

(*c*) Staying proceedings between verdict and judgment.

(2) In such excepted matters, the Stipendiary Magistrate may issue a summons returnable before the said Judge, with or without a stay of proceedings, as he may think proper.

(3) In case any matter shall appear to the Stipendiary Magistrate to be proper for the decision of the Judge, the Stipendiary Magistrate may refer the same to the Judge, and the Judge may either dispose of the matter, or refer the same back to the stipendiary Magistrate with such directions as he may think fit.

Appeals from orders of Stipendiary Magistrate.

(4) The fees and the scale of allowance thereof, for all matters done by and before the Stipendiary Magistrate, shall be the same as are authorized for business done by and before the Judge.

(5) The Stipendiary Magistrate in granting a summons or order may impose upon the party obtaining the same such terms or conditions as he deems expedient. R. S. O. 1887, s. 91, s. 43.

(6) Appeals from the Stipendiary Magistrate's order or decision may be made by summons, such summons to be taken out within ten days after the decision complained of, or within such further time as may be allowed by the Judge, or by the Stipendiary Magistrate.

(7) An appeal shall be no stay unless so ordered by the Judge or Stipendiary Magistrate.

(8) The costs of an appeal shall be in the discretion of the Judge.

Chamber Matters in High Court.

Powers of Stipendiary Magistrate in chamber matters in actions in High Court.

12.—(1) The Stipendiary Magistrate of Rainy River shall, in all actions brought in the District of Rainy River in the High Court, have concurrent jurisdiction with, and the same power and authority as, the Master in Chambers in all proceedings now determined in Chambers at Toronto, except that the authority of the Stipendiary Magistrate shall not extend to proceedings in the nature of a *quo warranto* under *The Municipal Act*, or to the payment of money out of Court, or dispensing with payment of money into Court, in any action or matter, or to appeals from the taxing officers in Toronto pending taxation, or to making an order for the sale of infants' estates.

Reference to Judge.

(2) The Stipendiary Magistrate may refer any matter pending before him in Chambers to a Judge of the High Court for decision, and the Judge may dispose of the same in whole or in part, or refer back the whole or a part.

Time for appealing.

(3) Subject to any Rules of Court made under *The Judicature Act*, the time allowed for appealing from any decision or order of the said Stipendiary Magistrate shall be double the time allowed by the rules then in force for appealing from the decision or order of the Master in Chambers in a like case. 57 V. c. 32, s. 4.

The *two next preceding* sections temporary.

13. The two next *preceding* sections shall only continue in force so long as Thunder Bay and Rainy River are united as one Provisional Judicial District.

Officers of District and Surrogate Courts and of High Court.

Deputy clerks of District Courts.

14.—(1) The Lieutenant-Governor may, from time to time, appoint under the Great Seal for each Provisional Judicial District Court which has jurisdiction over two Territorial Districts, an officer for the junior district to be called the "Deputy Clerk for ," (naming the district for which the officer is appointed), and who shall keep his office at the district town of the junior district.

Vacancy.

(2) In case a vacancy occurs in such office, the Clerk of the Division Court at the district town shall *ex officio* be Deputy Clerk until another appointment is made, unless where there is a District Crown Attorney, in which case such Crown Attorney shall *ex officio* be Deputy Clerk until such appointment is made.

Duties.

(3) The said Deputy Clerk shall issue writs for the commencement of actions in the District Court and shall, in respect of actions so commenced and of proceedings therein, perform the like duties and have the like powers and rights as are performed or possessed by the Clerk of the District Court, in respect of actions commenced by writs issued out of his office and of proceedings therein; and the said Deputy Clerk shall also issue such writs and process as may be required in such actions as may in like cases be issued by the said Clerk of the District Court and may renew any such writ as by law may be renewed.

Seal.

(4) The Deputy Clerk of a District Court shall have the custody of a seal similar in design to the Seal of the Court in the custody of the Clerk of the Court, and the said Deputy Clerk shall seal with the said seal all writs, process and proceedings requiring the seal of the said Court; and every writ, process or proceeding sealed with such seal shall be held to be duly sealed with the seal of the said Court. R. S. O. 1887, c. 91, s. 67 (1-4, 5); 51 V. c. 13, s. 15 (1, 2, 5); c. 14, s. 14; 52 V. c; 17, s. 6.

Place of trial.

(5) Where more territorial districts than one compose a Provisional Judicial District, the place of trial shall be named in accordance with the practice of the High Court as if each territorial district were a separate county, but such place of trial may be changed from one territorial district to another in accordance with the practice from time to time in force in the High Court. Vide R. S. O 1887, c. 91, s. 68; 51 V. c. 13, s. 16, c. 14, s. 15.

Local Registrar and Registrar of Surrogate Court.

15.—(1) Where a Provisional Judicial District consists of one Territorial District, the Clerk of the District Court shall be *ex officio* Local Registrar of the High Court and Registrar of the Surrogate Court for such District, and where the Provisional Judicial District consists of two Territorial Districts, the said Clerk shall be, except in Algoma and Manitoulin, *ex officio* Local Registrar of the High Court and Registrar of the Surrogate Court, for the Senior District only.

(2) The Clerk of the District Court of the Provisional Judicial District of Algoma and Manitoulin shall be *ex officio* Local Registrar of the High Court for the whole Provisional Judicial District, and Registrar of the Surrogate Court for the Territorial District of Algoma only.

(3) Except in Manitoulin, the Deputy Clerk for the junior district shall be *ex officio* Local Registrar of the High Court for such district, unless the Lieutenant-Governor shall think fit to make some other appointment, and in case some other appointment is made and a vacancy thereafter occurs, the said Deputy Clerk shall during such vacancy be *ex officio* Local Registrar. 57 V. c. 32, s. 1; c. 33, s. 3 (2) (3). Vide also 52 V. c. 17, ss. 6, 7. Local Registrar of High Court.

16.—(1) The Deputy Clerk of a Provisional Judicial District Court shall *ex officio* be Deputy Registrar of the Surrogate Court of the Provisional Judicial District for the junior Territorial District, and he shall keep his office of Deputy Registrar in the same place as he is required by law to keep his office of Deputy Clerk. Deputy Registrars of Surrogate Courts.

(2) Sections **11**, **12**, **13** and **14** of *The Surrogate Courts Act* shall apply as nearly as may be to each Deputy Registrar, and he shall observe and conform to the provisions thereof and shall perform the like duties and shall have the like powers and rights under and by virtue of the said Act within the Junior District as are performed and possessed by the Registrar of the said Surrogate Court, and the Registrar shall not exercise the powers and rights of Registrar of the Surrogate Court in regard to applications for probate or letters of administration in respect of the will or estate of any person who had at the time of his death his fixed place of abode in the Junior District, or of any person who having no fixed place of abode within Ontario had, at the time of his death, real or personal estate in the Junior District and not in the Senior District, which but for this section would have been exercised by him as Registrar of the said Surrogate Court. Duties of.

(3) The said Deputy Registrar of the Surrogate Court shall have the custody of a seal similar in design to the seal of the Court in the custody of the Registrar, and such seal shall be the seal of the Court for the purpose of sealing all grants, letters, writs, certificates, papers or proceedings in connection with any matter or thing in the office of the said Deputy Registrar requiring to be sealed. R. S. O. 1887, c. 91, s. 69; 51 V. c. 15, s. 17; c. 14, s. 16. Seals.

Time for Appearance in Manitoulin.

17. Until otherwise provided by rules made by the proper authority in that behalf, the time allowed for appearance to any writ issued or served in Manitoulin shall be the same as is allowed for appearance to a like writ issued or served in Algoma. This provision shall apply to writs issued out of the High Court and to writs issued out of any District or County Court. Vide R. S. O. 1887, c. 91, s. 60; 57 V. c. 33, s. 10; Rule 1310. Time for appearance to writ in Manitoulin.

Sittings of District and Surrogate Courts and Sessions of the Peace.

Sittings of Surrogate Courts in Junior Districts.

18. The Surrogate Court of a Provisional Judicial District composed of two territorial districts shall at the District Town of the Junior District in respect of matters arising within the Junior District, hold such sittings as the Judge thinks proper and necessary, but the Judge may, when he deems it more convenient for the parties interested, perform any judicial or ministerial act affecting either of his districts in the other district. See R. S. O. 1887, c. 91, s. 70; 51 V. c. 13, s. 18; c. 14, s. 17.

Jury sittings and Sessions of the Peace in each territorial district.

19.—(1) Where two territorial districts are united to form a Provisional Judicial District the sittings of the Court for trials and for assessments by jury and sittings of the General Sessions of the Peace shall be held in each of such districts. R. S. O. 1887, c. 91, s. 59, 72.

(2) Such Sessions of the Peace shall be for the trial of cases within the jurisdiction of the General Sessions of the Peace where the offence to be tried was committed within the territorial district, unless where the offender can be more conveniently tried in the other district of the Union, and for the trial of appeals to the General Sessions from a decision, order or conviction made by a Justice of the Peace within the Territorial District and for such other business as may arise within such district and which in counties is performed or done at the General Sessions. R. S. O. 1887, c. 91, s. 72; 51 V. c. 14, s. 5 (3) and s. 6.

(3) The sittings in Manitoulin of the District Court of Algoma and Manitoulin shall be for the trial of causes in respect of a contract made within the District of Manitoulin, or if the action is not upon contract then where the cause of action arises within the District, or the defendant resides therein. 51 V. c. 14 s. 5 (2).

Times for sittings of District Courts and General Sessions.

20.—Sittings of the said District Courts and of the General Sessions of the Peace shall be held each year as follows:—

1. Port Arthur, on the third Tuesday of the month of May, and the second Tuesday of the month of November. R. S. O. 1887, c. 91, s. 59; 55 V. c. 18, s. 3.

2. At Rat Portage on the first Tuesday of the month of June and the second Tuesday of the month of October. R.S.O. 1888, c. 91, s. 72; 55 V. c. 18, s. 3.

3. At Sault Ste. Marie on the second Tuesday of the months of June and November. R. S. O. 1887, c. 91, s. 59.

4. In Manitoulin twice a year at such times and place or places as the Lieutenant-Governor shall appoint. 51 V. c. 14, s. 5 (1).

5. At North Bay on the second Tuesday of the months of June and November. 57 V. c. 33, s. 10.

6. At Parry Sound on the first Tuesday of the months of June and November.

(7) At Bracebridge on the third Tuesday of the month of June and the third Tuesday in the month of November. 52 V. c. 17, s. 8; 53 V. c. 26, s. 1.

HIGH COURT SITTINGS.

Sittings of High Court.

21.—(1) Sittings of the High Court for the trial of civil and criminal cases and for other purposes shall be held twice a year at Sault Ste. Marie, Port Arthur and Rat Portage, and once a year at Parry Sound, Bracebridge and North Bay, or if the Judges of the High Court deem it requisite oftener, on such days as may be appointed therefor by the said Judges. If the Judges of the High Court upon enquiry ascertain on any occasion that any sittings is not required for the due administration of justice it shall not be necessary to appoint a day for the holding thereof. 51 V. c. 15, s. 10 (1); 56 V. c. 11, s. 3 (1); 57 V. c. 33, s, 8 (1).

(2) No such sittings shall be held in long vacation. 56 V. c. 11, s. 3 (2).

COMMISSIONS OF ASSIZE, ETC.

Governor may authorize the holding of certain Courts in districts.

22. The Lieutenant-Governor may issue the necessary commissions authorizing the holding of Courts of Assize and Nisi Prius, Oyer and Terminer, and General Gaol Delivery in any Provisional Judicial District. R. S. O. 1887, c. 91, s. 48.

JURORS AND JURIES.

Any persons may be returned as jurors in the said Provisional Judicial Districts.

Rev. Stat. c. 52.

23. The sheriff or other officer whose duty it is or who may be legally required to summon and return jurors or persons to serve as jurors, within any of the Provisional Judicial Districts, shall and may select, choose and return for such jurors any of the inhabitants of such Provisional Judicial Districts respectively, without reference to the mode prescribed for selecting, balloting or returning jurors by *The Jurors' Act*; and juries *de medietate linguæ*, and juries of a like nature may be ordered by the Court before which any cause in any of the said Provisional Judicial Districts may be pending. R. S. O. 1887, c. 91, s. 50.

Precepts for return of, panels dispensed with where no business.

24.—(1) It shall not be necessary to issue precepts for the return of panels of grand or petit jurors for any sittings of any District Court or General Sessions of the Peace for the said districts, if it appears to the Judge of the District Court that at such sittings there will be no business to be brought before such jurors. R. S. O. 1887, c. 91, s. 64 (1); 51 V. c. 13, s. 11; 52 V. c. 17, s. 9; 57 V. c. 33, s. 10.

Clerk of the Peace and District Court to inform the Judges of necessity for precept.

(2) Where there appears to be need that precepts should issue for the return of panels of jurors aforesaid, it shall be the duty of the Clerk of the Peace of the district, and the Clerk of the District Court, to inform the Judge thereof, in order that precepts may be issued for the return of jurors at the ensuing sittings of the Court.

Precepts when jurors required.

(3) In case jurors are required for either of the said Courts the necessary precepts shall be issued for both of the said Courts. R. S. O. 1887, c. 91, s. 64 (2-3).

Where jurors required and no opportunity to summon before the sittings.

25. If the business to be brought before jurors arises so shortly before the sittings, that the jurors cannot reasonably be summoned in sufficient time to attend on the day appointed for the commencement of the sittings, the Judge may order that the jurors be summoned for a subsequent day, and the Court shall in such case commence its sittings upon the day by law appointed therefor, and shall dispose of such business as may be disposed of without a jury, and shall be thereafter adjourned to the day for which the jurors are summoned as aforesaid. The Judge may make the order hereinbefore authorized, on the day upon which the sittings of the said Court commence or upon any earlier day. R. S. O. 1887, c. 91, s. 65; 51 V. c. 13, s. 11; 52 V. c. 17, s. 9; 57 V. c. 33, s. 10.

26. In case sittings of the High Court are to be held in any district the Judges of the High Court, or some of them, shall issue the necessary precepts for the summoning of grand and petit jurors. R. S. O. 1887, c. 91, s. 66 (2); 51 V. c. 13, s. 10 (2); 57 V. c. 33, s. 8 (2).

DISTRICT ATTORNEY AND CLERK OF THE PEACE FOR RAINY RIVER.

District Crown Attorney and Clerk of the Peace for Rainy River.

27.—(1) The Lieutenant-Governor may appoint a District Crown Attorney for the district of Rainy River who shall be *ex officio* the Clerk of the Peace for the said district and who shall keep his office at Rat Portage.

(2) The said District Crown Attorney shall perform in cases arising within the District of Rainy River all the duties required to be performed by Crown Attorneys under and in pursuance of *The Act respecting Crown Attorneys*, or any Acts which may be passed amending the same, or in pursuance of regulations made thereunder. 58 V. c. 13, s. 34. Vide also R. S. O. 1887, c. 91, s 53 (1).

Sheriffs.

28.—(1) For the Provisional District of Algoma and Manitoulin, from time to time, a sheriff shall be appointed, and for each of the said Territorial Districts other than Algoma and Manitoulin, from time to time, a sheriff shall be appointed.

(2) The said sheriff of Algoma and Manitoulin shall keep his office in Sault Ste. Marie, and each of the said other sheriffs shall keep his office in the district town of his district, and except as hereinafter provided *The Act respecting the Office of Sheriff* shall apply to each of the said sheriffs. R. S. O. 1887, c. 91, ss, 53, 62 (1); 51 V. c. 13, ss. 1, 19.

(3) It shall not be necessary for a district sheriff upon his appointment to justify in a greater sum than $2,000 over and above his just debts, nor shall it be requisite that such sheriff shall be possessed of real estate to the said amount. R. S. O. 1887, c. 91, s. 62 (3).

Sheriffs of Muskoka and Parry Sound may also act as bailiffs.

29.—(1) The sheriffs of Muskoka and Parry Sound may also be bailiffs of Division Courts. 51 V. c. 13, s. 1 (1).

How mileage to be reckoned

(2) Where the sheriff of Parry Sound is entitled to mileage the same shall be reckoned from Parry Sound or Burk's Falls according as the one or the other is the nearer to the place of service. 51 V. c. 13, s. 20.

Sheriff not required to effect service until mileage paid when ten miles or over.

30.—(1) The sheriff of Algoma, Manitoulin, Thunder Bay, Rainy River, or Nipissing shall not be required to execute or serve any writ, paper or proceeding for any party other than the Crown, until an amount reasonably sufficient to cover his mileage in travelling for the purpose of executing or serving the writ, paper or proceeding is paid or tendered to him, unless the distance to be travelled for the purpose of such execution or service is less than ten miles.

Provision in case distance less than ten miles.

(2) Where the distance is less than ten miles such sheriff shall not be required to execute or serve such writ, paper or proceeding without such reasonable sum as aforesaid being paid or tendered him if he has previously notified the solicitor, or party whose name is endorsed on such writ, paper or proceeding, or by whom such service is required, that prepayment of mileage will be required before execution or service of any writ, paper or proceeding which such solicitor or party may desire to have served. R. S. O. 1887, c. 91, s. 63 (1, 2); 57 V. c. 33, s. 9 (1, 2).

Time for sales of land on execution limited.

31. No sheriff, deputy sheriff or other officer shall sell or expose for sale under execution, any lands or tenements in the District of Manitoulin, or any lands or tenements in the District of Rainy River which are situate more than twenty miles from the Canadian Pacific Railway, except during the months of July, August, September or October. R. S. O. 1887, c. 91, s. 63(3); 57 V. c. 33, s. 9 (3).

Executions in Nipissing.

32.—(1) No unsatisfied writ which was in the hands of the Sheriff of Renfrew on the 1st day of January, 1895, shall bind lands or goods situate within the District of Nipissing or have any effect upon lands or goods in the district unless the person entitled to the benefit of the unsatisfied writ had before the 1st day of January, 1896, and before the expiry of the writ in the hands of the Sheriff of Renfrew, placed a writ against lands or goods (as the case required) in the hands of the Sheriff of the said district, endorsed with a notice that priority was claimed by virtue of *The Act to erect Nipissing into a Provisional Judicial District*, in which case he shall retain any priority he had at such time by virtue of his writ in the hands of the Sheriff of Renfrew and now has, and he shall if so required by the Sheriff of Nipissing furnish to such Sheriff a certificate of the Sheriff of Renfrew shewing the time when such last mentioned Sheriff received his writ, and the Sheriff of Renfrew shall deliver such a certificate to the said person on being requested so to do.

57 V. c. 33.

Completing executions where seizure has been made.

(2) Any Sheriff who under the said section or under section 40 of *The Unorganized Territory Act*, being chapter 91 of the Revised Statutes of 1887, had prior to the 1st day of January, 1895, actually seized goods and chattels in the said district under a writ directed to him, may complete the execution of the said writ notwithstanding the repeal of section 41 of the last mentioned Act.

Where lands have been advertised for sale.

(3) The Sheriff of Renfrew may complete the execution of any writ of execution in his hands on the 1st day of January, 1895, against lands in the said district, where he had prior to the 1st day of January, 1895, advertised such lands under the execution, and he may execute any subsequent or supplementary writ which depends for its priority upon the writ in his hands as aforesaid, or upon a writ which was previously in his hands, and he may execute all necessary deeds or conveyances relating to the same. 57 V. c. 33, s. 13 (2-4).

STIPENDIARY MAGISTRATES.

Lieutenant-Governor may pay Sheriff, etc., of the District.

33. The Lieutenant-Governor may pay to the Sheriffs and other officers of every Provisional Judicial District, by way of salary or otherwise, out of any unappropriated moneys belonging to the Consolidated Revenue Fund of this Province, such several sums of money as he may think reasonable for the services performed by such officers respectively. R. S. O. 1887, c. 91, s. 49.

Execution of writs.

34. The Queen's writs shall run and may be executed in any parts of the said Districts, and shall have the same force and effect upon persons and property as similar writs have in the organized parts of Ontario.

Stipendiary Magistrate may be appointed.

35.—(1) The Lieutenant-Governor may from time to time appoint in and for each of the said Territorial Districts a fit and proper person to be Stipendiary Magistrate thereof, who shall exercise within the district the Magisterial, Judicial and other functions herein expressed or provided, and who shall reside in such place within the District as the Lieutenant-Governor directs.

(2) Two Stipendiary Magistrates may be appointed for the Temporary Judicial District of Nipissing, and the expression "Stipendiary Magistrate" shall, when used with reference to that district, be taken to apply to either of the Stipendiary Magistrates so appointed. R. S. O. 1887, c. 91, s. 3.

(3) The Stipendiary Magistrate for Parry Sound shall, until the Lieutenant-Governor thinks fit to make another appointment, be also Stipendiary Magistrate for Manitoulin. 51 V. c. 14, s. 4.

Form of oath.

36. The oath to be taken by every Stipendiary Magistrate, hereafter appointed shall be as follows:—

"I *A. B.*, do swear, that I will well and truly serve our Sovereign Lady the Queen in the office of Stipendiary Magistrate for the District of (*naming it*) and will faithfully execute the several powers, duties and trusts committed to, or required of me, as such Stipendiary Magistrate without fear, without favor and without malice. So help me God."

R. S. O. 1887, c. 91, s. 6.

Such Magistrate to be a Justice of the Peace; powers as such, etc.

37. Every Stipendiary Magistrate shall be *ex officio* a Justice of the Peace for the whole Provisional Judicial District for which, or for part of which, he is appointed, and shall have all the powers, jurisdiction and authority, and shall perform all the duties which a Justice of the Peace in any county now has, and is required to perform within any such county; and all the protections and provisions of the law applicable to such Justices of the Peace shall extend and apply to such Stipendiary Magistrate acting within the limits of such District; and such Stipendiary Magistrate may and shall act in the execution of the office of Justice of the Peace for the District, although he has not the property qualification required by *The Act respecting the Qualification and Appointment of Justices of the Peace*. R. S. O. 1887, c. 91, s. 5; 51 V. c. 13, s. 9; 57 V. c. 33, s. 7.

Rev. Stat. c. 71.

Stipendary Magistrate may sit alone with powers of two Justices.

38. Every Stipendiary Magistrate shall have full power to do alone whatever is authorized by any Statute in force in this Province relating to matters within the legislative authority of the Legislature of the Province to be done by two or more Justices of the Peace, and shall have such power while acting anywhere within the Provisional Judicial District for which or for part of which he is appointed. R. S. O. 1887, c. 91, s. 7; Vide c. 72, s. 16; 51 V. c. 13, s. 9.

Powers and duties of Stipendiary Magistrates.

39.—(1) The Stipendiary Magistrates of the said Territorial Districts shall have the like powers, rights and duties as such Magistrates had in the Districts of Muskoka and Parry Sound prior to the said districts being formed into a Provisional Judicial District, and therein are to be auxiliary to the District Judge. 51 V. c. 13, s. 6.

Provision in case of illness or absence.

(2) In case of there being no Stipendiary Magistrate for any Territorial District, or in case of the absence or illness of the Stipendiary Magistrate, all the duties and powers of that officer shall belong to and be performed and exercised by the District Judge. 51 V. c. 13, s. 7; 57 V. c. 33, s. 6.

May act for Judge.

(3) Each of the Stipendiary Magistrates of Nipissing, Parry Sound and Muskoka may, at the request of the District Judge, act for the Judge in holding any Court or performing any other function or duty of the Judge, and while so acting shall have all the rights, powers and privileges of the Judge. 51 V. c. 13, s. 8; 57 V. c. 33, s. 5 (1).

Salary and fees.

40. Every Stipendiary Magistrate may, besides the salary voted to him by the Legislature, have and take to his own use, the fees authorized to be taken by Justices of the Peace or by their clerks, in cases of summary proceedings or convictions R. S. O. 1887, c. 91, s. 4.

Stipendiary Magistrate to keep minutes, accounts, etc.

41. Every Stipendiary Magistrate shall keep minutes of every proceeding had by and before him, and shall keep such accounts, make such returns and collect such information, with respect to the District for which he is appointed and the state and condition thereof, as the Lieutenant-Governor may from time to time prescribe and require. R. S. O. 1887, c. 91, s. 14.

Application of fines and forfeitures.

42. All moneys arising from penalties, forfeitures and fines imposed by a Stipendiary Magistrate or by a Justice of the Peace acting within his district when paid and levied, shall (if not directed by law to be otherwise appropriated) be from time to time paid to such Stipendiary Magistrate who shall account for the same and pay over or disburse the moneys arising therefrom, at such times, in such manner and to such person as the Lieutenant-Governor may from time to time direct. R. S. O. 1887, c. 91, s. 13.

JUSTICES OF THE PEACE.

Appointment of Justices of the Peace.

43.—(1) The Lieutenant-Governor may, from time to time, appoint fit and proper persons to be Justices of the Peace in and for each of the said Territorial Districts, and it shall not be necessary for any Justice of the Peace to possess any property qualification whatever, and where the Commission appointing any such justice dispenses with his residence in the district it

shall not be necessary for such justice to be a resident within the district for which he is appointed. R. S. O. 1887, c. 91, s. 8.

(2) Justices of the Peace heretofore appointed for the Provisional Judicial District of Algoma or for the Provisional Judicial District of Thunder Bay shall have no authority as Justices except within the Territorial Districts in which they respectively reside. Vide 59 V. c. 24, s. 1.

Powers of.

44. The justices of the peace of a Territorial District, whether in General Sessions assembled, or out of Sessions and the Court of General Sessions of the Peace for any District shall have, use, exercise and enjoy within such District, all the jurisdiction, powers and authority, and discharge and perform all the duties which Justices of the Peace in and for any county, whether in General Sessions assembled, or out of Sessions, and the Court of General Sessions of the Peace in and for the county by law are entitled and required to use, exercise and enjoy, discharge and perform, and except as to any matters incident to property qualification, and except as to residence, where residence in the District is dispensed with under the *next preceding section*, shall be subject in all respects to the requirements of the laws in force in this Province respecting the office of Justice of the Peace. Vide R. S. O. 1887, c. 91, ss. 9, 46.

Returns of Convictions.

Returns of convictions.

45. All returns of convictions required by law to be made by any Justice or Justices of the Peace shall be made to the Clerk of the Peace of the Provisional Judicial District to which the territory in which the conviction takes place belongs, except that in the Territorial District of Rainy River, such returns shall be made to the Clerk of the Peace for the said District at Rat Portage. Vide R. S. O. 1887, c. 91, s. 11; c. 91, s. 53; 51 V. c. 14, s. 3; 59 V. c. 24, s. 2.

CONSTABLES IN DISTRICTS AND PROVISIONAL COUNTIES.

Constables.

46.—(1) The Lieutenant-Governor may from time to time appoint Constables for any district or Provisional County or for any portion of the territory of Ontario not attached to a county for ordinary municipal and judicial purposes.

Suspension for misconduct.

(2) In case of any misconduct on the part of a constable appointed under the preceeding sub-section, the Chairman of the Court of General Sessions of the Peace of the District, or Provisional County or the Stipendiary Magistrate, shall have authority to suspend such constable from office indefinitely, or for any period the said Chairman or Stipendiary Magistrate deems fitting.

Report of such suspension to Provincial Secretary.

(3) The Chairman of the Sessions or the Stipendiary Magistrate, when he suspends any such constable, shall forthwith report the particulars thereof to the Provincial Secretary, in order that the Lieutenant-Governor may take such action as to the revocation of the suspension or dismissal of the said constable, or otherwise as he deems proper. R. S. O. 1887, c. 91, s. 78.

Punishment of constable misbehaving.

47. If a constable appointed under the authority of this Act is guilty of disobedience of orders, neglect of duty, or of any misconduct as such constable, and is convicted thereof before the Stipendiary Magistrate for the district, or before a Justice of the Peace acting therein, he shall forfeit a sum to be fixed by the Magistrate or Justice not exceeding $40 and costs, and in default of immediate payment thereof, shall suffer imprisonment for any time not exceeding three months unless the fine and costs are sooner paid; but in case such person is proceeded against by indictment for any offence committed by him as constable, he shall not in addition be liable to the penalty or punishment imposed by this section. R. S. O. 1887. c. 91. s. 79.

COURT HOUSE.

Court House.

48. Any building erected or provided in the District Town under the authority of the Lieutenant-Governor for the holding of Courts shall be deemed the Court House of the District. R. S. O. 1887, c. 91, s. 47, part.

GAOLS AND LOCK-UPS.

Gaols, etc.

49.—(1) Any gaol or lock-up erected in any territorial district under the authority of the Lieutenant-Governor or any building so declared by Order of the Lieutenant-Governor in Council shall be a common gaol of the district.

(2) Nothing contained in the preceding sub-section shall prevent any Court or Magistrate from directing the committal either for safe custody or for punishment of any person whom it may be considered expedient to commit to the common gaol of the senior district, and such common gaol shall be a common gaol for the whole Provisional Judicial District and where such District embraces more than one territorial district, for each territorial district of which it is composed. See R. S. O. 1887, c. 91, ss. 16, 47, part, 81; 51 V. c. 13, s. 13; c. 14, s. 8; 57 V. c. 33, s. 11.

(3) Or shall prevent any Court or Magistrate in the District of Parry Sound or Muskoka from directing the commital either for custody or punishment of any person whom it may be considered expedient to commit to the common gaol at Barrie, in the County of Simcoe and such gaol shall be a common gaol for each of the said Territorial Districts of Parry Sound and Muskoka. 51 V. c. 13, ss. 1, 13.

(4) Or shall prevent any Court or Magistrate in the District of Algoma from directing the commital either for safe custody or for punishment of any person whom it may be considered expedient to commit to the gaol at Sudbury, and the said goal at Sudbury shall be a common gaol for the Districts of Algoma and Manitoulin as well as as for the District of Nipissing. 58 V. c. 13, s. 35.

Temporary confinement.

50. Every common goal of a district shall be a lawful goal for the detention and confinement of any person sentenced to imprisonment in or committed to another gaol or prison until such person can be conviently removed to the gaol or prison to which he has been sentenced or committed as aforesaid. Vide R. S. O. 1887, c. 91, s. 16.

Transfer to another gaol within the district.

51. Any person imprisoned in any gaol in a Territorial District may be transferred by order of an Inspector of Prisons to the common gaol of the district town of the Territorial District or of the senior district; and by like order any person imprisoned in the common gaol of the district town of the junior district may be transferred to the common goal of the senior district.

Gaol keeper.

52.—(1) The Lieutenant-Governor may from time to time appoint a keeper to every common gaol in each district, and the gaol keeper shall perform all the duties and be under and subject to all the liabilities that the gaolers of common gaols in the several counties in Ontario now perform and are subject to, and shall give such security for the due performance of the duties of his office as the Lieutenant-Governor from time to time prescribes, and every such gaol keeper shall be paid

DIVISION COURTS.

Division Court Divisions

53.—(1) The Lieutenant-Governor in Council may divide each of the Territorial Districts into two or more Division Court Divisions, and number the same consecutively beginning at number one, which shall be styled the First Division Court in the District of (*as the case may be*). R. S. O. 1887, c. 91, s. 18.

(2) The District Judge, the Sheriff and the Division Court Inspector may from time to time alter the number, limits and extent of every division, and shall number the divisions in order beginning at number one as aforesaid, but no resolution or order made under the provisions of this section shall be altered or rescinded, unless public notice of the intention so to alter or rescind, or that application will be made to alter or rescind is made and proclaimed in open Court at the next previous sittings of the General Sessions of the Peace.

(3) The Judge shall cause the Sheriff and Inspector to be notified of any application, and of the time and place at which the same is to be considered. 52 V. c. 12, s. 3.

Holding of Courts.

54.—(1) A Court shall be held in every such division once in every three months or oftener at the discretion of the Judge, who may appoint, and from time to time alter, the times and places within such divisions when and at which such Courts shall be holden, subject to the approval of the Lieutenant-Governor in Council.

(2) The Lieutenant-Governor in Council may from time to time make such regulations as he considers expedient in order to secure the due and convenient holding of Courts in the said districts, and within all other districts now or hereafter to be formed in any part of the unorganized territory in Ontario. R.S.O. 1887, c. 91, s. 19.

Division Court Judges.

55.—(1) The Judges of the Provisional District Courts shall be the Judges of the several Division Courts within their respective Districts, except as in the next subsection provided.

(2) Until the Districts of Parry Sound and Rainy River are erected into separate Provisional Judicial Districts, either by Act of the Legislature or under the provisions of this Act, the Stipendiary Magistrate of the respective Districts shall be the Judge of the Division Courts within his District.

Powers of

56.—(1) The said Division Court Judges (besides any additional jurisdiction given to them by this Act) shall have the like jurisdiction and powers as are possessed by the County Judges in Division Courts in counties, and shall perform the like duties.

(2) The said Judges shall in all actions brought in the said Division Courts have authority to determine all questions as well of fact as of law in relation thereto in the summary manner authorized by this Act; but if he thinks fit to have any fact or facts controverted in a cause tried by jury, a jury of five persons present shall be returned instantly by the Clerk of the Court to try such fact or facts, and the Judge may give judgment on the verdict of the jury. R. S. O. 1887, c. 91, s. 20.

Laws and rules applicable.

57.—(1) The provisions of law from time to time in force relating to Division Courts in counties, and the officers thereof, including the rules or forms made or to be made by the Board of County Judges, and the fees payable to the Clerks and Bailiffs, shall apply to the Division Courts of the said districts, except where inconsistent with this Act, or where the rules otherwise direct.

(2) Sections 150, 154, 158 and 170 of the Division Courts Act shall not apply to the Division Courts of the said districts. R. S. O. 1887, c. 91, ss. 21 and 53.

58. The Division Courts of the said districts shall not have cognizance of any action for any gambling debt, or for any spirituous, malt or other like liquors nor of any action whether brought by the payee or any other person on a note of hand, the consideration or any part of the consideration of which was for a gambling debt or for such liquors, nor of any action for the recovery of land, or any action in which the right or title to any corporeal or incorporeal hereditaments, or to any toll, custom or franchise is in question, or in which the validity of any devise, bequest or limitation under any will or settlement is disputed, nor of any action for malicious prosecution, or for libel or slander, or for criminal conversation or seduction, or breach of promise of marriage. R. S. O. 1887, c. 91, s. 23. Certain causes of action not cognizable.

59. The said Division Courts, in addition to the jurisdiction given to Division Courts under *The Division Courts Act*, shall have jurisdiction in all personal actions where the amount claimed does not exceed $100, except as in the next preceding section is provided, and the Judge shall hear and determine such actions and matters in relation thereto in a summary way, and make such orders and judgments as appear to him just and agreeable to equity and good conscience. R. S. O. 1887, c. 91, s. 24. Jurisdiction of the Court. Rev. Stat. s. 51. Mode of proceeding.

60. Any person under the age of twenty-one years may prosecute an action in any such Division Court for any sum of money not exceeding $100, due to him for wages or piece work, or for work as a servant, in the same manner as if he were of full age. R. S. O. 1887, c. 91, s. 25. Minors may sue for wages, etc.

61. With the consent of both parties to the action, the Judge of a Division Court may try any action within his jurisdiction against a Division Court Clerk of his district in any Division Court within the District. R. S. O. 1887, c. 91, s. 26. Trial of actions against Clerks.

62. An action by or against a Judge of a Division Court of a district, if the same is within the jurisdiction of any Division Court of his district, may be brought in any Division Court of any adjoining County or District. R. S. O. 1887, c. 91, s. 27. Actions against Division Court Judges.

63.—(1) The Judge holding any Division Court in a district, may, in any case, with the consent in writing of both parties to the action, order the same, with or without other matters in dispute between the parties and within the jurisdiction of the Court as to subject matter but irrespective of amount if not exceeding $800, to be referred to arbitration to such persons, and in such manner and on such terms as he may think reasonable and just; and such reference shall not be revocable by either party, except by consent of the said Judge; and the award of the arbitrator or arbitrators or umpire, shall be entered in the cause as a judgment of the Court, and shall be binding and effectual to all intents and purposes. Matters in dispute not over $800 may be referred to arbitration. Award

Subpœna to witness to attend before arbitrators.

(2) Where a reference has been made by such order, either of the parties to the action may obtain from the Clerk of any Division Court, and cause to be duly served, a summons or subpœna requiring the attendance before the said arbitrators of any witness resident within the district, in like manner as before the Judge at the sittings of the said Division Court. R. S. O. 1887, c. 91, s. 28.

Award may be set aside.

64. The Judge or Stipendiary Magistrate may, on application to him within fourteen days after the entry of the award, set the same aside, or may, with the consent in writing of both parties, revoke the said reference and order another reference to be made in the manner aforesaid. R. S. O. 1887, c. 91, s. 29.

Parties may agree that the Judge shall try any matter not over $800.

65.—(1) If the parties between whom differences have arisen agree by a writing signed by them to refer their causes of action, claims and demands to the Judge of the Division Court, and agree that the Judge may try and determine the same, the said Judge shall have power and jurisdiction so to do, provided the subject matter of difference is upon a cause or causes of action not exceeding $800 in amount, and not within the subjects excepted from the jurisdiction of the said Division Courts.

Submission to be made in duplicate.

(2) Every such agreement shall be executed in duplicate, one of which duplicates shall be filed with the said Judge and the other with the Clerk of the Division Court in which the action is proposed to be tried, and the said Court shall thereupon have jurisdiction in respect of the matter so referred.

May be filed and proceedings thereon had to judgment in the Division Court.

(3) Upon such agreement being filed the plaintiff may enter his claim for suit in such Division Court, and sue out a summons thereupon as in ordinary cases, and the proceedings in the said action may be conducted to judgment and execution (irrespective of the amount recovered, provided it does not exceed $800) in the same manner as in other actions in the said Court, and the judgment in such action shall have the same effect as any other judgment of the Court. R. S. O. 1887, c. 91, s. 30.

Appeal.

66. From the judgment pronounced in a case tried under the *preceding two sections* an appeal shall lie to a Divisional Court of the High Court of Justice, subject to such rules as to stay of proceedings, and otherwise, as may be made in respect thereto by the Judges authorized under *The County Courts Act* to make rules in respect of County Court appeals, and subject until such rules are made, to the like rules, and statutory restrictions as are applicable to appeals from the decision of a Judge of a County Court; but the entry of judgment shall not prevent the appeal being had or proceeded with. Vide R. S. O. 1887, c. 91, s. 31; 58 V. c. 13, ss. 11 (8), 48.

Service on application for new trial.

67. Upon an application for a new trial in a cause wherein either party may appeal, personal service may be effected, or all papers requiring service may be delivered to the Clerk of the Division Court where the action was tried, or left at his office for the person entitled thereto. The clerk shall forthwith mail by registered letter all such papers to the person entitled to the same, or his authorized agent. R. S. O. 1887, c. 91, s. 32.

Parties may agree not to appeal.

68. No appeal shall lie to a Divisional Court of the High Court of Justice if, before the commencement of the trial and without the intervention of the Judge, there shall be filed with the clerk an agreement in writing not to appeal, signed by both parties, or by their solicitors or agents. The Judge shall note in his minutes whether such agreement was filed or not, and the minutes shall be evidence upon that point. R. S. O. 1887, c. 91, s. 34; 58 V. c. 13, s. 48 (1).

Judge may act for Stipendiary Magistrate and *vice versa*.

69.—(1) The Judge of a District Court of any Provisional Judicial District may, if he thinks fit, at the request of the Stipendiary Magistrate of any Territorial District belonging to the Provisional Judicial District hold any Division Court in the Provisional Judicial District, and the said Judge while holding such Court shall have all the rights, powers and privileges of the Stipendiary Magistrate.

(2) A Stipendiary Magistrate of any Territorial District belonging to a Provisional Judicial District may, at the request of the District Judge, act for the Judge in holding any Division Court, or performing any other function or duty of the Judge in connection with the Division Courts in any part of the Provisional Judicial District, and while so acting, such Stipendiary Magistrate shall have all the rights, powers and privileges of the Judge. Vide 51 V. c. 14, s. 7.

REGISTRATION OF DEEDS, OFFICE LAND TITLES, ETC.

Registrar of Deeds may be appointed.

70.—(1) The Lieutenant-Governor in Council may appoint a Registrar of Deeds in and for each of the said Territorial Districts, who shall hold office during pleasure, and shall register all deeds and other conveyances and instruments relating to lands laid out and surveyed by the Crown in any part of his district other than lands registered under *The Land Titles Act*.

Office, duties and fees of Registrar.

(2) The said Registrar shall keep his office in the District Town of his District unless some other place is named for that purpose in his commission, or at such other place as may be appointed from time to time by the Lieutenant-Governor in Council, and his duties shall be the same as the duties of other Registrars under the registry laws of this Province; and his fees shall be the same as those appointed and established by such registry laws.

Salary may be allowed.

(3) The Lieutenant-Governor in Council may order an annual salary, not exceeding $800, to be paid to the Registrar of a district out of the Consolidated Revenue Fund of this Province, in lieu of such fees; which fees shall in such case be paid into the Consolidated Revenue Fund. R. S. O. 1887, c. 91, s. 35; 51 V. c. 14, s. 10, part, and s. 14.

Securities by Registrars.

71. The provisions of law relating to securities to be given by Registrars of Deeds in other parts of Ontario shall apply to the Registrars of the said districts, except that the covenant to be given by such officers shall be for such an amount as the Lieutenant-Governor in Council may determine. R. S. O. 1887, c. 91, s. 36; 51 V. c. 14, s. 11 (1).

Alteration of limits of territory for registry purposes.

72. The Lieutenant-Governor in Council may, from time to time, by proclamation, limit the territory which, for registry purposes shall be included within the Districts of Algoma, Thunder Bay and Nipissing respectively. R. S. O. 1887, c. 91, s. 38.

Transfer of books, deeds, etc.

73. The Registrars of any of the said districts when thereunto required by the Lieutenant-Governor, shall transfer and deliver to the Registrars of any other of the said districts all books, deeds, papers, plans and documents in their possession respectively as such Registrars referring or relating exclusively to any lands within such other district or districts; and all the provisions of the registry laws of this Province relating to the transfer of books, deeds, memorials, plans and other documents or instruments from one registry office to another registry office when a part of a county has been detached therefrom and set apart for registration purposes, shall apply to the Registrars and registry offices in the said districts. R. S. O. 1887, c. 91, s. 37; 51 V. c. 14, s. 12.

Local Master of Titles and application of Rev. Stat. c. 116.

74.—(1) The Lieutenant-Governor shall appoint for each of the said territorial districts a Local Master of Titles, who shall hold office during pleasure, and the sections of *The Land Titles Act* numbered 135 to 144 inclusive, shall apply to the said districts. R. S. O. 1887, c. 116, s. 2. 51 V. c. 14, s. 9 and 10, part.

Local Master of Titles may be registrar of deeds.

(2) The Local Master of Titles may also be registrar of deeds. Vide R. S. O. 1887, c. 116, s. 136; 51 V. c. 14, s. 10, part.

Security.

75.—(1) The Lieutenant-Governor may, when both offices are held by one person, require one instrument of security to be given for both offices, in which case such instrument shall be, as nearly as may be, in the form given in Schedule A to *The Registry Act*, subject, however, to the provisions of sections 24 and 25 of *The Act respecting Public Officers.*

56 V. c. 21. Rev. Stat. c. 15.

(2) The said officer and his sureties shall, in such case, be jointly and severally liable on their covenant to any aggrieved person or persons, including the Crown, to indemnify him or them against any damage or loss sustained by him or them, by or through the neglect or misconduct of the officer, or his deputy, in the performance of the duties of his office, not exceeding the penalty named therein, but this provision shall not exempt the officer from any further responsibility to persons sustaining damage or loss as aforesaid, or render him liable in respect of any act or omission for which protection is given by section 88 of *The Land Titles Act*. 51 V. c. 14, s. 11. Rev. Stat. c. 116.

SPECIAL SITTINGS OF COURTS IN DISTRICTS AND PROVISIONAL COUNTIES.

76.—(1) The Judge of any County or District Court to whose jurisdiction any Provisional County or Territorial District belongs, may appoint additional sittings of the County or District Court and of the Court of the General Sessions of the Peace, or of either of such Courts, to be held at such place or places within such District or Provisional County as he thinks fit. Judge may appoint additional sittings of the Court or of Sessions of the Peace within a Territorial District or Provisional County.

(2) Such sittings of the County or District Court shall be for the trial of causes, where the contract was made within the Provisional County or Territorial District within which such sittings are held; or if the action is not upon contract, then where the cause of action arose within such Provisional County or District.

(3) Such Sessions of the Peace shall be for the trial of causes within the jurisdiction of the General Sessions of the Peace, provided the offence to be tried was committed within the said Provisional County or Territorial District. Vide R. S. O. 1887, c. 91, s. 73.

77. Sittings of any of the said Courts shall also be held at such times and places as the Lieutenant-Governor in Council may appoint. R. S. O. 1887, c. 91, s. 74. Lieutenant-Governor in Council may require sittings to be held.

78.—(1) In case the Lieutenant-Governor directs sittings of the Court of General Sessions of the Peace of any County or District to be held at regular periods at some place within a Territorial District or Provisional County, and issues his proclamation in that behalf, such sittings shall thereafter be the proper Court for the trial of appeals to the General Sessions from a decision, order or conviction, made by a Justice of the Peace within such District or Provisional County, and such Court shall have full and complete jurisdiction and authority for the trial of every such appeal, as well as for the trial, of any person charged with an offence committed within the District or Provisional County over which the Sessions have jurisdiction. Appeals to General Sessions in such case.

(2) Where an offender may be more conveniently tried within that portion of the County or Provisional Judicial District outside of such Provisional County or Territorial District, such offender may be so tried. R. S. O. 1887, c. 91, s. 75.

TRIAL OF HIGH COURT ACTIONS.

High Court or a Judge thereof may order trial of actions or examinations of witnesses at the Courts held under this Act.

79. The High Court or a Judge thereof may direct that any action for the recovery of lands lying in the Provisional County or Territorial District in which any sittings of a County or District Court are to be held, or any other action pending in the High Court, shall be tried at such sittings; or may order that the witnesses shall be examined and the facts ascertained at such sittings and the questions of law arising thereon reserved for the opinion of the Court; or may make such like order for the purpose of facilitating the determination of the matters in dispute in the action as he thinks fit. R. S. O. 1887, c. 91, s. 76.

JURIES IN PROVISIONAL COUNTIES.

Summoning jurors.

80. Where sittings of a Court are held in a Provisional County the sheriff or other officer whose duty it is, or who may be legally required, to summon and return jurors or persons to serve as jurors for such Courts, may select, choose and return for such jurors, in case jurors are required, any of the inhabitants of such Provisional County, without reference to the mode prescribed for selecting, balloting or returning jurors by *The Jurors' Act.* Vide R. S. O. 1887, c. 91, s. 77.

GAOLS IN PROVISIONAL COUNTIES.

Gaols to be provided.

81. The Lieutenant-Governor may from time to time direct that one or more suitable erections shall be provided by the Commissioner of Public Works in any provisional county for the safe custody of prisoners charged with crime or convicted of any offence, and every erection so provided shall be deemed a common gaol of such provisional county. R. S. O. 1887, c. 91, s. 81.

NEW DISTRICTS AND ALTERATION OF LIMITS.

Separation of senior and junior districts.

82.—(1) Where a Provisional Judicial District is composed of two Territorial Districts, the Lieutenant-Governor in Council may, by proclamation, declare that from a day to be named in the proclamation, the junior district shall be detached from the Provisional Judicial District and erected into a separate Provisional Judicial District. Vide R. S. O. 1887, c. 91, s. 44.

(2) Upon the issue of such proclamation the Judges of the District and Surrogate Courts for the new Provisional Judicial District may be appointed, and any other appointments which

are required may be made; all such appointments shall go into force at the time named in the said proclamation for the separation to take effect. Vide 55 V. c. 42, s. 46.

(3) When the separation takes effect the name of the junior district shall cease to be part of the names of the Courts of the senior district, and the Division Courts in each district shall, until a new division is made, be the Division Courts of such district.

(4) In applying sections 15, 16 and 17 of *The Division Courts Act* to the circumstances arising upon any such separation, the officers authorized by section **53** of this Act to make changes in respect of Division Courts in Districts, shall be substituted for those authorized by the said sections to make changes in respect of Division Courts in Counties.

Alteration of limits.

83.—The Lieutenant-Governor in Council may from time to time, by proclamation, detach any township or territory from any Provisional Judicial, or Territorial District, and annex the same to any adjoining district. R. S. O. 1887, c. 91, s. 80 (1).

Effect upon certain officers.

84.—(1) In case a portion of a County or of a Provisional Judicial or other District has been, or shall be formed into or annexed to another District whether by Act of the Legislature or by proclamation of the Lieutenant-Governor, the coroners, justices of the peace and commissioners for taking affidavits residing in the territory so dealt with, shall be coroners, justices of the peace and commissioners for the Territorial District into which the territory in which they reside is formed, or to which it is attached, by the same tenure of office and without their again taking any oaths.

(2) If the Territorial District to which such locality thereafter belongs is part of a Provisional Judicial District, composed of two territorial districts, such justices may act in General Sessions of the Peace as justices for the Provisional Judicial District, but shall not elsewhere act as justices except for the Territorial District in which they respectively reside at the time of the formation or annexation as aforesaid. Vide R. S. O. 1887, c. 91, s. 80 (2.) 51 V. c. 14, s. 2.

(3) This section shall not apply to a justice of the peace where the commission appointing him has dispensed with his residence in the district for which he was appointed.

TRESPASSES BY ANIMALS.

Trespassers by animals.

85. No damages shall be recovered in respect of injuries committed in any of the said Districts upon any land by horses, cattle, sheep, or swine, straying upon such land, unless the animal so straying was running at large contrary to a municipal by-law in that behalf; and where no by-law pro-

hibiting or regulating the running at large of the class of animals to which the animal trespassing belongs, is in force in the municipality, township or place, then no such damages shall be recovered unless such animal has broken through or jumped over a fence then being in reasonably good order and of the height of four and one-half feet; but this section shall not apply to breachy or unruly animals. R. S. O. 1887, c. 91, s. 82.

OFFICERS.

Officers continued.

86. Any officer appointed under any Act hereby repealed shall continue to hold office as if he had been appointed under this Act.

ACTS REPEALED.

Acts repealed.

87. The Acts mentioned in the first and second columns of the Schedule hereto annexed to the extent shown in the third column of the said Schedule are hereby repealed.

WHEN ACT TAKES EFFECT.

When Act in force.

88. This Act shall take effect upon the 31st day of December next,

SCHEDULE OF REPEALED ENACTMENTS.

Chapter.	Title.	Extent of repeal.
R. S. O. 1887, c. 91..	The Unorganized Territory Act..	The whole except section 41 so far as such section affects any writ of execution issued before the 1st day of January, 1894, and any writ which depends for its priority upon a former writ so issued. Vide 57 V. c. 33, s. 13 (1).
R. S. O. 1887, c. 185..	An Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing, Thunder Bay and Rainy River.	Section 57.
51 V. c. 13.....	An Act respecting Muskoka and Parry Sound.	The whole, except so much of section 14 as authorizes the sheriff of Simcoe to execute within Muskoka or Parry Sound a writ in his hands at the time the said Districts became a Provisional Judicial District, or to execute therein a writ depending for its priority upon a former writ.

Chapter.	Title.	Extent of repeal.
51 V. c. 14.....	An Act respecting Manitoulin ...	The whole except so much of section 1 as defines the territory which constitutes the District of Manitoulin, now the Territorial District of Manitoulin.
52 V. c. 17.....	An Act to make further provision respecting the Districts of Parry Sound and Muskoka.	Sections 6 to 10.
53 V. c. 25.....	An Act to provide for the appointment of Junior and Deputy Judges in Provisional Judicial Districts.	The whole.
53 V. c. 26.....	An Act to correct a Clerical Error in the Act to make further provision respecting the Districts of Parry Sound and Muskoka.	The whole
55 V. c. 18.....	An Act respecting the Courts in Algoma and Thunder Bay.	The whole,
56 V. c. 11.....	An Act to amend the Judicature Act.	Section 3.
57 V. c. 32.....	An Act to facilitate the Administration of Justice in Rainy River.	The whole.
57 V. c. 33.....	An Act to erect Nipissing into a Provisional Judicial District.	The whole except section 13.
58 V. c. 13.....	The Law Courts Act, 1895.....	Sections 34, 35 and 48.
59 V. c. 18.....	The Law Courts Act, 1896	Item 46 in the schedule.
59 V. c. 24.....	An Act respecting Justices of the Peace in the Districts of Thunder Bay and Rainy River.	The whole.

No. 80.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend and consolidate the Acts respecting the Administration of Justice in those portions of the Province outside of County Organization.

First Reading, 22nd February, 1897.

THE ATTORNEY-GENERAL.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 80.] **BILL.** [1897.

An Act to amend and consolidate the Acts respecting the Administration of Justice in those portions of the Province outside of County Organization.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as "*The Unorganized Territory Act, 1897.*" R. S. O. 1887, c. 91, s. 1. Short title.

TERRITORIAL AND PROVISIONAL JUDICIAL DISTRICTS.

2.—(1) The Provisional Judicial District of Thunder Bay, exclusive of the Territorial District of Rainy River, shall be hereafter called The Territorial District of Thunder Bay. Territorial Districts of Thunder Bay,

(2) The Provisional Judicial District of Algoma, exclusive of the Temporary Judicial District of Manitoulin, as constituted by the Act passed in the 51st year of Her Majesty's reign, entitled *An Act respecting Manitoulin*, shall be called The Territorial District of Algoma. Algoma,

(3) The said Temporary Judicial District of Manitoulin shall be hereafter called The Territorial District of Manitoulin. Manitoulin,

(4) The Provisional Judicial District of Nipissing may be also called the Territorial District of Nipissing. Nipissing.

3. Subject to the provisions of this Act, the Territorial Districts hereinafter mentioned shall form Provisional Judicial Districts :— Provisional Judicial Districts.

1. Thunder Bay and Rainy River shall form The Provisional Judicial District of Thunder Bay and Rainy River. Vide R. S. O. 1887, c. 5, s. 1 (45, 46). Thunder Bay and Rainy River.

Algoma and Manitoulin.

2. Algoma and Manitoulin shall form The Provisional Judicial District of Algoma and Manitoulin. Vide R. S. O. 1887, c. 5, s. 1 (44); 51 V. c. 14, s. 1.

Nipissing.

3. Nipissing shall form The Provisional Judicial District of Nipissing. 57 V. c. 33, s. 1.

Muskoka and Parry Sound.

4. Muskoka and Parry Sound shall form The Provisional Judicial District of Muskoka and Parry Sound. 51 V. c. 13, s. 1.

Senior and Junior Districts.

Senior and Junior Districts.

4. The Districts of Thunder Bay, Algoma and Muskoka are hereafter referred to and shall be known as the Senior Districts of their respective Provisional Judicial Districts, and Rainy River, Manitoulin and Parry Sound as the Junior Districts.

COURTS IN DISTRICTS.

Courts.

5. There shall be in each of the said Provisional Judicial Districts, and in each Provisional Judicial District hereafter established, a District Court and a Surrogate Court, and the District, Surrogate and Division Courts already established for the territory included in the said several Provisional Judicial Districts shall continue, subject to the provisions of this Act. R. S. O. 1887, c. 91, ss. 52, 54; 51 V. c. 13, s. 3; 57 V. c. 33, s. 2

Judges of District Courts.

6.—(1) The District Courts shall be presided over by Judges appointed in accordance with the provisions of *The British North America Act, 1867*, and the tenure of office of the said Judges shall be the same as that of County Court Judges, and each of such Judges shall live within the limits of the Provisional Judicial District for which he is appointed.

Qualification.

(2) Every Judge or Junior Judge appointed shall be a Barrister of not less than five years standing at the Bar of Ontario.

Local Courts Act to apply.

(3) Subject to the preceding subsection *The Local Courts Act* shall apply to Provisional Judicial Districts as if every such district were a county. R. S. O. 1887, c. 91, s. 52; 53 V. c. 25, ss. 3-5.

Surrogate Judges.

(4) The District Judges who are now Judges of the Surrogate Courts of the said districts shall continue to be the Judges thereof. Vide R. S. O. 1887, c. 91, s. 54, (2); 57 V. c. 13, s. 3, (2); 57 V. c. 20, s. 6.

Certain Acts relating to local courts to apply.

7.—(1) *The Local Courts Act* and *The Act respecting the County Judges' Criminal Courts* shall extend to the said Provisional Judicial Districts and to the Judges of the said District Courts, and to every Provisional Judicial District hereafter established, and to the Judge of the District Court thereof; and the laws and rules now in force or which may be

hereafter passed with respect to Surrogate Courts or Surrogate Judges in counties, or to Courts of General Sessions of the Peace in counties, and the powers of the Justices thereat, or to appeals to the Judges of the County Courts, or with respect to County Courts, or the power, authority or jurisdiction of the Judges of such Courts, whether sitting in or out of Court, and to the appointment and duties of Local Crown Attorneys, Clerks of the Peace, Sheriffs, Coroners, Clerks, Constables and all other officers attached to such Courts or employed in the administration of justice in connection therewith, shall, unless there is something in the context indicating a different intention, or unless the same is contrary to the express provisions of this Act, also apply to every Provisional Judicial District. Vide R. S. O. 1887, c. 91, ss. 53 (1), 55; 53 V. c. 25, ss. 3-5; 57 V. c. 33, s. 3 (1).

"District" to be read for "county" in Acts relating to local courts.

(2) The word "District" shall be substituted for the word "County" in the titles of such Courts and officers, as well as in the application of such Acts, laws and rules to Provisional Judicial Districts.

Where Courts to be held in new districts.

(3) Such Courts shall be held in each new Provisional Judicial District at the place or places which the Lieutenant-Governor in Council by proclamation from time to time appoints. *See* R. S. O. 1887, c. 91, s. 53.

Territorial Districts to be regarded as counties.

8. The said Territorial Districts shall be regarded for judicial purposes as if such several districts were separate counties except that where two Territorial Districts are united to form one Provisional Judicial District an offender may be tried in whichever of the districts so united it is more convenient to try him, and except that the District Court of a Provisional Judicial District composed of two Territorial Districts shall have jurisdiction over each of the Territorial Districts forming the Provisional Judicial District to be exercised in like manner as the High Court exercises jurisdiction over several counties, and except where otherwise provided in this Act. Vide R. S. O. 1887, s. 68; 51 V. c. 13, s. 15, c. 14, s. 5 (3), and s. 15; 57 V. c. 32, s. 3.

District Towns.

District towns.

9.—(1) The following shall be the District Towns of the several Territorial Districts:—

Port Arthur,—of the District of Thunder Bay.
Rat Portage,—of the District of Rainy River.
Sault Ste. Marie,—of the District of Algoma.
Gore Bay,—of the District of Manitoulin.
North Bay,—of the District of Nipissing.
Parry Sound,—of the District of Parry Sound, and
Bracebridge,—of the District of Muskoka.

Where clerk's office to be kept.

(2) In Provisional Judicial Districts, consisting of one Territorial District, the Clerks of the District Courts shall keep their offices in the District towns of their Districts. Where a Provisional Judicial District is composed of more than one Territorial District, the Clerk of the District Court shall keep his office in the District town of the Senior District, and the Deputy Clerk of such Court shall keep his office in the District town of the Junior District. 57 V. c. 33, s. 3 (4).

Jurisdiction of District Courts.

10.—(1) The said District Courts shall have the same jurisdiction as is possessed by County Courts.

Additional jurisdiction in Algoma and Thunder Bay.

(2) The District Courts of the Provisional Judicial Districts of Algoma and Manitoulin and of Thunder Bay and Rainy River, shall in addition to the jurisdiction conferred by subsection 1 of this section each have jurisdiction to hold plea subject to appeal.

(*a*) In all actions relating to debt, covenant and contract, provided always where the case is beyond the jurisdiction of County Courts that the contract was made within the district or the cause of action arose therein, or the defendant resides therein.

(*b*) In replevin where the value of the goods or other property or effects distrained, taken or detained, does not exceed the sum of $400, and the goods, property or effects to be replevied are in the said district.

(*c*) In all other personal actions where the amount claimed does not exceed $400.

(*d*) For the recovery of land situate in the district.

Moving against judgment or verdict in High Court.

(3) After a trial in an action for the recovery of land or in replevin where the value of the goods claimed exceeds $200, or in any other case where the cause of action is beyond the jurisdiction possessed by County Courts, and a verdict or judgment exceeding $200 is obtained, any party entitled to move to set aside or vary the verdict or judgment or to enter a nonsuit may, if he so desires, instead of moving in the District Court and without removing the cause into the High Court by certiorari or otherwise move in the High Court for such rule or order as he claims to be entitled to. The motion shall be made in the same manner and subject to the like limitations as to time and otherwise as the motion would have been subject to if the action had been in the High Court and had been tried at a sittings thereof, and the judgment or order of the High Court shall be acted upon as if it were a judgment or order of the said District Court. The High Court shall have jurisdiction to make any order or give any judgment which could be made or given in the cause by the District Court.

(4) Where a party is entitled and desires to move under the next preceding subsection he shall notify the clerk of the District Court in writing to transmit the record or certified copy of the pleadings and any exhibits filed at the trial to the clerk of records and writs of the High Court at Toronto, and subject to any general rules, the subsequent practice shall be the same as in case of a trial in the High Court. R. S. O. 1887, c. 91, s. 56.

Jurisdiction of District Courts as to injunction.

10*a*.—(1) The District Courts of the provisional judicial districts of Algoma and Manitoulin, and of Thunder Bay and Rainy River shall have the same jurisdiction as the High Court with respect to injunctions restraining the committing of waste or trespass on property by unlawfully cutting, destroying or removing trees or timber and with respect to incidental relief, and the practice in the exercise of such jurisdiction shall be the same as nearly as may be as the practice of the High Court.

Order transferring proceedings to High Court.

(2) The High Court or a Judge thereof, on the application of any party to the proceedings made on notice, may order that the whole proceedings be transferred to the High Court, and in that case all papers filed in the District Court shall be transmitted by the clerk or other proper officer of the District Court to the High Court; and the action shall thenceforth be continued and prosecuted in the High Court as if it had been originally commenced therein.

Terms of order.

(3) The order may be made on such terms as to payment of costs, giving security and otherwise as the court or judge thinks fit.

When proceedings shall not be transferred.

(4) No such case shall be transferred unless the value of the subject matter or the damage to either party appears to amount to upwards of $1,000, nor unless the case appears to the court or judge fit to be tried in the High Court. R. S. O 1887, c. 91, s. 57.

Scale of costs to successful defendant in action beyond County Court jurisdiction.

10*b*.—(1) Where the amount claimed in any action in the said District Courts, or where in the case of an action for the recovery of land or in replevin the subject matter of the action, as appearing in the writ of the action or in the affidavit filed to obtain the writ in replevin, is beyond the jurisdiction of the County Courts in other parts of Ontario, costs to a successful defendant shall be taxed according to the High Court tariff.

Scale of costs to successful plaintiff in such actions.

(2) In like manner where the plaintiff recovers in respect to a cause of action beyond the jurisdiction of the County Courts, costs shall be taxed to him according to the High Court tariff, subject however to his obtaining the certificate or order of the Judge where in a like case such certificate or order is required in the High Court.

Solicitor and client costs.

(3) In respect to any action within the provisions of the first part of this section the solicitor of an unsuccessful plaintiff shall be entitled to charge his client County Court costs only, unless he was instructed in writing by such client to sue in respect to a matter beyond the jurisdiction of the said County Courts, in which case the said solicitor shall be entitled to charge costs according to the High Court tariff. R. S. O. 1887, c. 91, s. 61.

Chamber Matters in District Court.

Jurisdiction of Stipendiary Magistrate in chamber matters in District Court where action commenced in Rainy River.

11.—(1) In respect of actions commenced or to be commenced in the Provisional Judicial District Court of Thunder Bay and Rainy River by the issue of process out of the office of the deputy clerk for the District of Rainy River, the Stipendiary Magistrate for the District of Rainy River may, subject to an appeal to the Judge of the District Court, do all such things and transact all such business and exercise all such authority and jurisdiction as, by virtue of any statute or custom, or by the rules and practice in force in the said District Court, may be done, transacted or exercised by the said Judge in Chambers, except (unless by consent of the parties) in respect of the following proceedings and matters, that is to say:—

(*a*) The referring of causes under any Act in force respecting references;

(*b*) Reviewing taxation of costs; and

(*c*) Staying proceedings between verdict and judgment.

Issuing summonses returnable before Judge.

(2) In such excepted matters, the Stipendiary Magistrate may issue a summons returnable before the said Judge, with or without a stay of proceedings, as he may think proper.

Referring matters to District Judge from Stipendiary Magistrate.

(3) In case any matter shall appear to the Stipendiary Magistrate to be proper for the decision of the Judge, the Stipendiary Magistrate may refer the same to the Judge, and the Judge may either dispose of the matter, or refer the same back to the stipendiary Magistrate with such directions as he may think fit.

Appeals from orders of Stipendiary Magistrate.

(4) The fees and the scale of allowance thereof, for all matters done by and before the Stipendiary Magistrate, shall be the same as are authorized for business done by and before the Judge.

Imposing terms on granting summonses.

(5) The Stipendiary Magistrate in granting a summons or order may impose upon the party obtaining the same such terms or conditions as he deems expedient.

(6) Appeals from the Stipendiary Magistrate's order or decision may be made by summons, such summons to be taken out within ten days after the decision complained of, or within such further time as may be allowed by the Judge, or by the Stipendiary Magistrate. Appeals from Stipendiary Magistrate.

(7) An appeal shall be no stay unless so ordered by the Judge or Stipendiary Magistrate. When appeal not to act as stay.

(8) The costs of an appeal shall be in the discretion of the Judge. R. S. O. 1887, c. 91, s. 43.

Chamber Matters in High Court.

12.—(1) The Stipendiary Magistrate of Rainy River shall, in all actions brought in the District of Rainy River in the High Court, have concurrent jurisdiction with, and the same power and authority as, the Master in Chambers in all proceedings now determined in Chambers at Toronto, except that the authority of the Stipendiary Magistrate shall not extend to proceedings in the nature of a *quo warranto* under *The Municipal Act*, or to the payment of money out of Court, or dispensing with payment of money into Court, in any action or matter, or to appeals from the taxing officers in Toronto pending taxation, or to making an order for the sale of infants' estates. Powers of Stipendiary Magistrate in chamber matters in actions in High Court.

(2) The Stipendiary Magistrate may refer any matter pending before him in Chambers to a Judge of the High Court for decision, and the Judge may dispose of the same in whole or in part, or refer back the whole or a part. Reference to Judge.

(3) Subject to any Rules of Court made under *The Judicature Act*, the time allowed for appealing from any decision or order of the said Stipendiary Magistrate shall be double the time allowed by the rules then in force for appealing from the decision or order of the Master in Chambers in a like case. 57 V. c. 32, s. 4. Time for appealing.

13. The two next *preceding* sections shall only continue in force so long as Thunder Bay and Rainy River are united as one Provisional Judicial District. The *two next preceding* sections temporary.

Officers of District and Surrogate Courts and of High Court.

14.—(1) The Lieutenant-Governor may, from time to time, appoint under the Great Seal for each Provisional Judicial District Court which has jurisdiction over two Territorial Districts, an officer for the junior district to be called the "Deputy Clerk for ," (naming the district for which the officer is appointed), and who shall keep his office at the district town of the junior district. Deputy clerks of District Courts.

Vacancy.

(2) In case a vacancy occurs in such office, the Clerk of the Division Court at the district town shall *ex officio* be Deputy Clerk until another appointment is made, unless where there is a District Crown Attorney for the Junior District, in which case such Crown Attorney shall *ex officio* be Deputy Clerk until such appointment is made.

Duties.

(3) The said Deputy Clerk shall issue writs for the commencement of actions in the District Court and shall, in respect of actions so commenced and of proceedings therein, perform the like duties and have the like powers and rights as are performed or possessed by the Clerk of the District Court, in respect of actions commenced by writs issued out of his office and of proceedings therein; and the said Deputy Clerk shall also issue such writs and process as may be required in such actions as may in like cases be issued by the said Clerk of the District Court and may renew any such writ as by law may be renewed.

Seal.

(4) The Deputy Clerk of a District Court shall have the custody of a seal similar in design to the Seal of the Court in the custody of the Clerk of the Court, and the said Deputy Clerk shall seal with the said seal all writs, process and proceedings requiring the seal of the said Court; and every writ, process or proceeding sealed with such seal shall be held to be duly sealed with the seal of the said Court. R. S. O. 1887, c. 91, s. 67 (1-4, 5); 51 V. c. 13, s. 15 (1, 2, 5); c. 14, s. 14; 52 V. c; 17, s. 6.

Place of trial.

(5) Where more territorial districts than one compose a Provisional Judicial District, the place of trial shall be named in accordance with the practice of the High Court as if each territorial district were a separate county, but such place of trial may be changed from one territorial district to another in accordance with the practice from time to time in force in the High Court. Vide R. S. O 1887, c. 91, s. 68; 51 V. c. 13, s. 16, c. 14, s. 15.

Local Registrar and Registrar of Surrogate Court.

15.—(1) Where a Provisional Judicial District consists of one Territorial District, the Clerk of the District Court shall be *ex officio* Local Registrar of the High Court and Registrar of the Surrogate Court for such District, and where the Provisional Judicial District consists of two Territorial Districts, the said Clerk shall be, except in Algoma and Manitoulin, *ex officio* Local Registrar of the High Court and Registrar of the Surrogate Court, for the Senior District only.

(2) The Clerk of the District Court of the Provisional Judicial District of Algoma and Manitoulin shall be *ex officio* Local Registrar of the High Court for the whole Provisional Judicial District, and Registrar of the Surrogate Court for the Territorial District of Algoma only.

(3) Except in Manitoulin, the Deputy Clerk for the junior district shall be *ex officio* Local Registrar of the High Court for such district, unless the Lieutenant-Governor shall think fit to make some other appointment, and in case some other appointment is made and a vacancy thereafter occurs, the said Deputy Clerk shall during such vacancy be *ex officio* Local Registrar. 57 V. c. 32, s. 1; c. 33, s. 3 (2) (3). Vide also 52 V. c. 17, ss. 6, 7. Local Registrar of High Court.

16.—(1) The Deputy Clerk of a Provisional Judicial District Court shall *ex officio* be Deputy Registrar of the Surrogate Court of the Provisional Judicial District for the junior Territorial District, and he shall keep his office of Deputy Registrar in the same place as he is required by law to keep his office of Deputy Clerk. Deputy Registrars of Surrogate Courts.

(2) Sections **11**, **12**, **13** and **14** of *The Surrogate Courts Act* shall apply as nearly as may be to each Deputy Registrar, and he shall observe and conform to the provisions thereof and shall perform the like duties and shall have the like powers and rights under and by virtue of the said Act within the Junior District as are performed and possessed by the Registrar of the said Surrogate Court, and the Registrar shall not exercise the powers and rights of Registrar of the Surrogate Court in regard to applications for probate or letters of administration in respect of the will or estate of any person who had at the time of his death his fixed place of abode in the Junior District, or of any person who having no fixed place of abode within Ontario had, at the time of his death, real or personal estate in the Junior District and not in the Senior District, which but for this section would have been exercised by him as Registrar of the said Surrogate Court. Duties of.

(3) The said Deputy Registrar of the Surrogate Court shall have the custody of a seal similar in design to the seal of the Court in the custody of the Registrar, and such seal shall be the seal of the Court for the purpose of sealing all grants, letters, writs, certificates, papers or proceedings in connection with any matter or thing in the office of the said Deputy Registrar requiring to be sealed. R. S. O. 1887, c. 91, s. 69 51 V. c. 15, s. 17; c. 14, s. 16. Seals.

Time for Appearance in Manitoulin.

17. Until otherwise provided by rules made by the proper authority in that behalf, the time allowed for appearance to any writ issued or served in Manitoulin shall be the same as is allowed for appearance to a like writ issued or served in Algoma. This provision shall apply to writs issued out of the High Court and to writs issued out of any District or County Court. Vide R. S. O. 1887, c. 91, s. 60; 57 V. c. 33, s. 10; Rule 1310. Time for appearance to writ in Manitoulin.

Sittings of District and Surrogate Courts and Sessions of the Peace.

Sittings of Surrogate Courts in Junior Districts.

18. The Surrogate Court of a Provisional Judicial District composed of two territorial districts shall at the District Town of the Junior District in respect of matters arising within the Junior District, hold such sittings as the Judge thinks proper and necessary, but the Judge may, when he deems it more convenient for the parties interested, perform any judicial or ministerial act affecting either of his districts in the other district. See R. S. O. 1887, c. 91, s. 70; 51 V. c. 13, s. 18; c. 14, s. 17.

Jury sittings and Sessions of the Peace in each territorial district.

19.—(1) Where two territorial districts are united to form a Provisional Judicial District the sittings of the Court for trials and for assessments by jury and sittings of the General Sessions of the Peace shall be held in each of such districts. R. S. O. 1887, c. 91, s. 59, 72.

(2) Such Sessions of the Peace shall be for the trial of cases within the jurisdiction of the General Sessions of the Peace where the offence to be tried was committed within the territorial district, unless where the offender can be more conveniently tried in the other district of the Union, and for the trial of appeals to the General Sessions from a decision, order or conviction made by a Justice of the Peace within the Territorial District and for such other business as may arise within such district and which in counties is performed or done at the General Sessions. R. S. O. 1887, c. 91, s. 72; 51 V. c. 14, s. 5 (3) and s. 6.

(3) The sittings in Manitoulin of the District Court of Algoma and Manitoulin shall be for the trial of causes in respect of a contract made within the District of Manitoulin, or if the action is not upon contract then where the cause of action arises within the District, or the defendant resides therein. 51 V. c. 14 s. 5 (2).

Times for sittings of District Courts and General Sessions.

20.—Sittings of the said District Courts and of the General Sessions of the Peace shall be held each year as follows:—

1. Port Arthur, on the third Tuesday of the month of May, and the second Tuesday of the month of November. R. S. O. 1887, c. 91, s. 59; 55 V. c. 18, s. 3.

2. At Rat Portage on the first Tuesday of the month of June and the second Tuesday of the month of October. R.S.O. 1888, c. 91, s. 72; 55 V. c. 18, s. 3.

3. At Sault Ste. Marie on the second Tuesday of the months of June and November. R. S. O. 1887, c. 91, s. 59.

4. In Manitoulin twice a year at such times and place or places as the Lieutenant-Governor shall appoint. 51 V. c. 14, s. 5 (1).

5. At North Bay on the second Tuesday of the months of June and November. 57 V. c. 33, s. 10.

6. At Parry Sound on the first Tuesday of the months of June and November.

(7) At Bracebridge on the third Tuesday of the month of June and the third Tuesday in the month of November. 52 V. c. 17, s. 8; 53 V. c. 26, s. 1.

HIGH COURT SITTINGS.

Sittings of High Court.

21.—(1) Sittings of the High Court for the trial of civil and criminal cases and for other purposes shall be held twice a year at Sault Ste. Marie, Port Arthur and Rat Portage, and once a year at Parry Sound, Bracebridge and North Bay, or if the Judges of the High Court deem it requisite oftener, on such days as may be appointed therefor by the said Judges. If the Judges of the High Court upon enquiry ascertain on any occasion that any sittings is not required for the due administration of justice it shall not be necessary to appoint a day for the holding thereof. 51 V. c. 15, s. 10 (1); 56 V. c. 11, s. 3 (1); 57 V. c. 33, s, 8 (1).

COMMISSIONS OF ASSIZE, ETC.

Governor may authorize the holding of certain Courts in districts.

22. The Lieutenant-Governor may issue the necessary commissions authorizing the holding of Courts of Assize and Nisi Prius, Oyer and Terminer, and General Gaol Delivery in any Provisional Judicial District. R. S. O. 1887, c. 91, s. 48.

JURORS AND JURIES.

Selectors of juries.

☞**23**.—(1) The Clerk of the District Court, the Sheriff and the Registrar of Deeds shall be *ex-officio* selectors of Jurors within any of the provisional judicial districts, and may select, choose and return as jurors any of the inhabitants of such provisional judicial districts respectively without reference to the mode prescribed for selecting, balloting or returning jurors by *The Jurors' Act;* and *juries de medietate linguæ*, and juries of a like nature, may be ordered by the Court before which any cause in any of the said provisional judicial districts may be pending. R. S. O. 1887, c. 91, s. 50.☜

☞(2) The names selected shall be copied by the sheriff into a book to be kept by him for that purpose, and the selectors shall certify under their hands in the said book that the names therein were on such a day duly selected. *See* R. S. O. 1887, c. 52, s. 54, subs. 3 and section 59.☜

Precepts for return of, panels dispensed with where no business.

24.—(1) It shall not be necessary to issue precepts for the return of panels of grand or petit jurors for any sittings of any District Court or General Sessions of the Peace for the said districts, if it appears to the Judge of the District Court that at such sittings there will be no business to be brought before such jurors. R. S. O. 1887, c. 91, s. 64 (1); 51 V. c. 13, s. 11; 52 V. c. 17, s. 9; 57 V. c. 33, s. 10.

Clerk of the Peace and District Court to inform the Judges of necessity for precept.

(2) Where there appears to be need that precepts should issue for the return of panels of jurors aforesaid, it shall be the duty of the Clerk of the Peace of the district, and the Clerk of the District Court, to inform the Judge thereof, in order that precepts may be issued for the return of jurors at the ensuing sittings of the Court.

Precepts when jurors required.

(3) In case jurors are required for either of the said Courts the necessary precepts shall be issued for both of the said Courts. R. S. O. 1887, c. 91, s. 64 (2-3).

Where jurors required and no opportunity to summon before the sittings.

25. If the business to be brought before jurors arises so shortly before the sittings, that the jurors cannot reasonably be summoned in sufficient time to attend on the day appointed for the commencement of the sittings, the Judge may order that the jurors be summoned for a subsequent day, and the Court shall in such case commence its sittings upon the day by law appointed therefor, and shall dispose of such business as may be disposed of without a jury, and shall be thereafter adjourned to the day for which the jurors are summoned as aforesaid. The Judge may make the order hereinbefore authorized, on the day upon which the sittings of the said Court commence or upon any earlier day. R. S. O. 1887, c. 91, s. 65; 51 V. c. 13, s. 11; 52 V. c. 17, s. 9; 57 V. c. 33, s. 10.

Issuing precepts for jurors.

26. In case sittings of the High Court are to be held in any district the Judges of the High Court, or some of them, shall issue the necessary precepts for the summoning of grand and petit jurors. R. S. O. 1887, c. 91, s. 66 (2); 51 V. c. 13, s. 10 (2); 57 V. c. 33, s. 8 (2).

DISTRICT ATTORNEY AND CLERK OF THE PEACE FOR RAINY RIVER.

District Crown Attorney and Clerk of the Peace for Rainy River.

27.—(1) The Lieutenant-Governor may appoint a District Crown Attorney for the district of Rainy River who shall be *ex officio* the Clerk of the Peace for the said district and who shall keep his office at Rat Portage.

(2) The said District Crown Attorney shall perform in cases arising within the District of Rainy River all the duties required to be performed by Crown Attorneys under and in pursuance of *The Act respecting Crown Attorneys*, or any Acts which may be passed amending the same, or in pursuance of regulations made thereunder. 58 V. c. 13, s. 34. Vide also R. S. O. 1887, c. 91, s 53 (1).

Sheriffs.

28.—(1) For the Provisional District of Algoma and Manitoulin, from time to time, a sheriff shall be appointed, and for each of the said Territorial Districts other than Algoma and Manitoulin, from time to time, a sheriff shall be appointed.

(2) The said sheriff of Algoma and Manitoulin shall keep his office in Sault Ste. Marie, and each of the said other sheriffs shall keep his office in the district town of his district, and except as hereinafter provided *The Act respecting the Office of Sheriff* shall apply to each of the said sheriffs. R. S. O. 1887, c. 91, ss, 53, 62 (1); 51 V. c. 13, ss. 1, 19.

(3) It shall not be necessary for a district sheriff upon his appointment to justify in a greater sum than $2,000 over and above his just debts, nor shall it be requisite that such sheriff shall be possessed of real estate to the said amount. R. S. O. 1887, c. 91, s. 62 (3).

Sheriffs of Muskoka and Parry Sound may also act as bailiffs.

29.—(1) The sheriffs of Muskoka and Parry Sound may also be bailiffs of Division Courts. 51 V. c. 13, s. 1 (1).

How mileage to be reckoned

(2) Where the sheriff of Parry Sound is entitled to mileage the same shall be reckoned from Parry Sound or Burk's Falls according as the one or the other is the nearer to the place of service. 51 V. c. 13, s. 20.

Sheriff not required to effect service until mileage paid when ten miles or over.

30.—(1) The sheriff of Algoma, Manitoulin, Thunder Bay, Rainy River, or Nipissing shall not be required to execute or serve any writ, paper or proceeding for any party other than the Crown, until an amount reasonably sufficient to cover his mileage in travelling for the purpose of executing or serving the writ, paper or proceeding is paid or tendered to him, unless the distance to be travelled for the purpose of such execution or service is less than ten miles.

Provision in case distance less than ten miles.

(2) Where the distance is less than ten miles such sheriff shall not be required to execute or serve such writ, paper or proceeding without such reasonable sum as aforesaid being paid or tendered him if he has previously notified the solicitor, or party whose name is endorsed on such writ, paper or proceeding, or by whom such service is required, that prepayment of mileage will be required before execution or service of any writ, paper or proceeding which such solicitor or party may desire to have served. R. S. O. 1887, c. 91, s. 63 (1, 2); 57 V. c. 33, s. 9 (1, 2).

Time for sales of land on execution limited.

31. No sheriff, deputy sheriff or other officer shall sell or expose for sale under execution, any lands or tenements in the District of Manitoulin, or any lands or tenements in the District of Rainy River which are situate more than twenty

miles from the Canadian Pacific Railway, except during the months of July, August, September or October. R. S. O. 1887, c. 91, s. 63(3); 57 V. c. 33, s. 9 (3).

Executions in Nipissing.

32.—(1) No unsatisfied writ which was in the hands of the Sheriff of Renfrew on the 1st day of January, 1895, shall bind lands or goods situate within the District of Nipissing or have any effect upon lands or goods in the district unless the person entitled to the benefit of the unsatisfied writ had before the 1st day of January, 1896, and before the expiry of the writ in the hands of the Sheriff of Renfrew, placed a writ against lands or goods (as the case required) in the hands of the Sheriff of the said district, endorsed with a notice that priority was claimed by virtue of *The Act to erect Nipissing into a Provisional Judicial District*, in which case he shall retain any priority he had at such time by virtue of his writ in the hands of the Sheriff of Renfrew and now has, and he shall if so required by the Sheriff of Nipissing furnish to such Sheriff a certificate of the Sheriff of Renfrew shewing the time when such last mentioned Sheriff received his writ, and the Sheriff of Renfrew shall deliver such a certificate to the said person on being requested so to do.

57 V. c. 33.

Completing executions where seizure has been made.

(2) Any Sheriff who under the said section or under section 40 of *The Unorganized Territory Act*, being chapter 91 of the Revised Statutes of 1887, had prior to the 1st day of January, 1895, actually seized goods and chattels in the said district under a writ directed to him, may complete the execution of the said writ notwithstanding the repeal of section 41 of the last mentioned Act.

Where lands have been advertised for sale.

(3) The Sheriff of Renfrew may complete the execution of any writ of execution in his hands on the 1st day of January, 1895, against lands in the said district, where he had prior to the 1st day of January, 1895, advertised such lands under the execution, and he may execute any subsequent or supplementary writ which depends for its priority upon the writ in his hands as aforesaid, or upon a writ which was previously in his hands, and he may execute all necessary deeds or conveyances relating to the same. 57 V. c. 33, s. 13 (2-4).

Lieutenant-Governor may pay Sheriff, etc., of the District.

33. The Lieutenant-Governor may pay to the Sheriffs and other officers of every Provisional Judicial District, by way of salary or otherwise, out of any unappropriated moneys belonging to the Consolidated Revenue Fund of this Province, such several sums of money as he may think reasonable for the services performed by such officers respectively. R. S. O. 1887, c. 91, s. 49.

Execution of writs.

34. The Queen's writs shall run and may be executed in any parts of the said Districts, and shall have the same force and effect upon persons and property as similar writs have in the organized parts of Ontario.

STIPENDIARY MAGISTRATES.

35.—(1) The Lieutenant-Governor may from time to time appoint in and for each of the said Territorial Districts a fit and proper person to be Stipendiary Magistrate thereof, who shall exercise within the district the Magisterial, Judicial and other functions herein expressed or provided, and who shall reside in such place within the District as the Lieutenant-Governor directs. Stipendiary Magistrate may be appointed.

(2) Two Stipendiary Magistrates may be appointed for the Temporary Judicial District of Nipissing, and the expression "Stipendiary Magistrate" shall, when used with reference to that district, be taken to apply to either of the Stipendiary Magistrates so appointed. R. S. O. 1887, c. 91, s. 3.

(3) The Stipendiary Magistrate for Parry Sound shall, until the Lieutenant-Governor thinks fit to make another appointment, be also Stipendiary Magistrate for Manitoulin. 51 V. c. 14, s. 4.

36. The oath to be taken by every Stipendiary Magistrate, hereafter appointed shall be as follows:— Form of oath.

"I *A. B.*, do swear, that I will well and truly serve our Sovereign Lady the Queen in the office of Stipendiary Magistrate for the District of (*naming it*) and will faithfully execute the several powers, duties and trusts committed to, or required of me, as such Stipendiary Magistrate without fear, without favor and without malice. So help me God."

R. S. O. 1887, c. 91, s. 6.

37. Every Stipendiary Magistrate shall be *ex officio* a Justice of the Peace for the whole Provisional Judicial District for which, or for part of which, he is appointed, and shall have all the powers, jurisdiction and authority, and shall perform all the duties which a Justice of the Peace in any county now has, and is required to perform within any such county; and all the protections and provisions of the law applicable to such Justices of the Peace shall extend and apply to such Stipendiary Magistrate acting within the limits of such District; and such Stipendiary Magistrate may and shall act in the execution of the office of Justice of the Peace for the District, although he has not the property qualification required by *The Act respecting the Qualification and Appointment of Justices of the Peace.* R. S. O. 1887, c. 91, s. 5; 51 V. c. 13, s. 9; 57 V. c. 33, s. 7. Such Magistrate to be a Justice of the Peace; powers as such, etc. Rev. Stat. c. 71.

38. Every Stipendiary Magistrate shall have full power to do alone whatever is authorized by any Statute in force in this Province relating to matters within the legislative authority of the Legislature of the Province to be done by two or more Justices of the Peace, and shall have such power while acting anywhere within the Provisional Judicial District for which or for part of which he is appointed. R. S. O. 1887, c. 91, s. 7; Vide c. 72, s. 16; 51 V. c. 13, s. 9. Stipendiary Magistrate may sit alone with powers of two Justices.

Powers and duties of Stipendiary Magistrates.

39.—(1) The Stipendiary Magistrates of the said Territorial Districts shall have the like powers, rights and duties as such Magistrates had in the Districts of Muskoka and Parry Sound prior to the said districts being formed into a Provisional Judicial District, and therein are to be auxiliary to the District Judge. 51 V. c. 13, s. 6.

Provision in case of illness or absence.

(2) In case of there being no Stipendiary Magistrate for any Territorial District, or in case of the absence or illness of the Stipendiary Magistrate, all the duties and powers of that officer shall belong to and be performed and exercised by the District Judge. 51 V. c. 13, s. 7; 57 V. c. 33, s. 6.

May act for Judge.

(3) Each of the Stipendiary Magistrates of Nipissing, Parry Sound and Muskoka may, at the request of the District Judge, act for the Judge in holding any Court or performing any other function or duty of the Judge, and while so acting shall have all the rights, powers and privileges of the Judge. 51 V. c. 13, s. 8; 57 V. c. 33, s. 5 (1).

Salary and fees.

40. Every Stipendiary Magistrate may, besides the salary voted to him by the Legislature, have and take to his own use, the fees authorized to be taken by Justices of the Peace or by their clerks, in cases of summary proceedings or convictions R. S. O. 1887, c. 91, s. 4.

Stipendiary Magistrate to keep minutes, accounts, etc.

41. Every Stipendiary Magistrate shall keep minutes of every proceeding had by and before him, and shall keep such accounts, make such returns and collect such information, with respect to the District for which he is appointed and the state and condition thereof, as the Lieutenant-Governor may from time to time prescribe and require. R. S. O. 1887, c. 91, s. 14.

Application of fines and forfeitures.

42. All moneys arising from penalties, forfeitures and fines imposed by a Stipendiary Magistrate or by a Justice of the Peace acting within his district when paid and levied, shall (if not directed by law to be otherwise appropriated) be from time to time paid to such Stipendiary Magistrate who shall account for the same and pay over or disburse the moneys arising therefrom, at such times, in such manner and to such person as the Lieutenant-Governor may from time to time direct. R. S. O. 1887, c. 91, s. 13.

Justices of the Peace.

Appointment of Justices of the Peace.

43.—(1) The Lieutenant-Governor may, from time to time, appoint fit and proper persons to be Justices of the Peace in and for each of the said Territorial Districts, and it shall not be necessary for any Justice of the Peace to possess any property qualification whatever, and where the Commission appointing any such justice dispenses with his residence in the district it

shall not be necessary for such justice to be a resident within the district for which he is appointed. R. S. O. 1887, c. 91, s. 8.

(2) Justices of the Peace heretofore appointed for the Provisional Judicial District of Algoma or for the Provisional Judicial District of Thunder Bay shall have no authority as Justices except within the Territorial Districts in which they respectively reside. Vide 59 V. c. 24, s. 1.

Powers of.

44. The justices of the peace of a Territorial District, whether in General Sessions assembled, or out of Sessions and the Court of General Sessions of the Peace for any District shall have, use, exercise and enjoy within such District, all the jurisdiction, powers and authority, and discharge and perform all the duties which Justices of the Peace in and for any county, whether in General Sessions assembled, or out of Sessions, and the Court of General Sessions of the Peace in and for the county by law are entitled and required to use, exercise and enjoy, discharge and perform, and except as to any matters incident to property qualification, and except as to residence, where residence in the District is dispensed with under the *next preceding section*, shall be subject in all respects to the requirements of the laws in force in this Province respecting the office of Justice of the Peace. Vide R. S. O. 1887, c. 91, ss. 9, 46.

Returns of Convictions.

Returns of convictions.

45. All returns of convictions required by law to be made by any Justice or Justices of the Peace shall be made to the Clerk of the Peace of the Provisional Judicial District to which the territory in which the conviction takes place belongs, except that in the Territorial District of Rainy River, such returns shall be made to the Clerk of the Peace for the said District at Rat Portage. Vide R. S. O. 1887, c. 91, s. 11; c. 91, s. 53; 51 V. c. 14, s. 3; 59 V. c. 24, s. 2.

CONSTABLES IN DISTRICTS AND PROVISIONAL COUNTIES.

Constables.

46.—(1) The Lieutenant-Governor may from time to time appoint Constables for any district or Provisional County or for any portion of the territory of Ontario not attached to a county for ordinary municipal and judicial purposes.

Suspension for misconduct.

(2) In case of any misconduct on the part of a constable appointed under the preceeding sub-section, the Chairman of the Court of General Sessions of the Peace of the District, or Provisional County or the Stipendiary Magistrate, shall have authority to suspend such constable from office indefinitely, or for any period the said Chairman or Stipendiary Magistrate deems fitting.

Report of such suspension to Provincial Secretary.

(3) The Chairman of the Sessions or the Stipendiary Magistrate, when he suspends any such constable, shall forthwith report the particulars thereof to the Provincial Secretary, in order that the Lieutenant-Governor may take such action as to the revocation of the suspension or dismissal of the said constable, or otherwise as he deems proper. R. S. O. 1887, c. 91, s. 78.

Punishment of constable misbehaving.

47. If a constable appointed under the authority of this Act is guilty of disobedience of orders, neglect of duty, or of any misconduct as such constable, and is convicted thereof before the Stipendiary Magistrate for the district, or before a Justice of the Peace acting therein, he shall forfeit a sum to be fixed by the Magistrate or Justice not exceeding $40 and costs, and in default of immediate payment thereof, shall suffer imprisonment for any time not exceeding three months unless the fine and costs are sooner paid; but in case such person is proceeded against by indictment for any offence committed by him as constable, he shall not in addition be liable to the penalty or punishment imposed by this section. R. S. O. 1887. c. 91. s. 79.

COURT HOUSE.

Court House.

48. Any building erected or provided in the District Town under the authority of the Lieutenant-Governor for the holding of Courts shall be deemed the Court House of the District. R. S. O. 1887, c. 91, s. 47, part.

GAOLS AND LOCK-UPS.

Gaols, etc.

49.—(1) Any gaol or lock-up erected in any territorial district under the authority of the Lieutenant-Governor or any building so declared by Order of the Lieutenant-Governor in Council shall be a common gaol of the district.

(2) Nothing contained in the preceding sub-section shall prevent any Court or Magistrate from directing the committal either for safe custody or for punishment of any person whom it may be considered expedient to commit to the common gaol of the senior district, and such common gaol shall be a common gaol for the whole Provisional Judicial District and where such District embraces more than one territorial district, for each territorial district of which it is composed. See R. S. O. 1887, c. 91, ss. 16, 47, part, 81; 51 V. c. 13, s. 13; c. 14, s. 8; 57 V. c. 33, s. 11.

(3) Or shall prevent any Court or Magistrate in the District of Parry Sound or Muskoka from directing the commital either for custody or punishment of any person whom it may be considered expedient to commit to the common gaol at Barrie, in the County of Simcoe and such gaol shall be a common gaol for each of the said Territorial Districts of Parry Sound and Muskoka. 51 V. c. 13, ss. 1, 13.

(4) Or shall prevent any Court or Magistrate in the District of Algoma from directing the commital either for safe custody or for punishment of any person whom it may be considered expedient to commit to the gaol at Sudbury, and the said goal at Sudbury shall be a common gaol for the Districts of Algoma and Manitoulin as well as as for the District of Nipissing. 58 V. c. 13, s. 35.

Temporary confinement.

50. Every common goal of a district shall be a lawful goal for the detention and confinement of any person sentenced to imprisonment in or committed to another gaol or prison until such person can be conviently removed to the gaol or prison to which he has been sentenced or committed as aforesaid. Vide R. S. O. 1887, c. 91, s. 16.

Transfer to another gaol within the district.

51. Any person imprisoned in any gaol in a Territorial District may be transferred by order of an Inspector of Prisons to the common gaol of the district town of the Territorial District or of the senior district; and by like order any person imprisoned in the common gaol of the district town of the junior district may be transferred to the common goal of the senior district.

Gaol keeper.

52.—(1) The Lieutenant-Governor may from time to time appoint a keeper to every common gaol in each district, and the gaol keeper shall perform all the duties and be under and subject to all the liabilities that the gaolers of common gaols in the several counties in Ontario now perform and are subject to, and shall give such security for the due performance of the duties of his office as the Lieutenant-Governor from time to time prescribes, and every such gaol keeper shall be paid out of the Consolidated Revenue Fund, such sums of money annually as the Lieutenant-Governor may think reasonable for the services performed.

(2) In case of a vacancy the Stipendiary Magistrate shall appoint some proper person to act as keeper until an appointment is made by the Lieutenant-Governor. *See* R. S. O. 1887, c. 91, s. 12.

DIVISION COURTS.

Division Court Divisions.

53.—(1) The Lieutenant-Governor in Council may divide each of the Territorial Districts into two or more Division Court Divisions, and number the same consecutively beginning at number one, which shall be styled the First Division Court in the District of *(as the case may be)*. R. S. O. 1887, c. 91, s. 18.

(2) The District Judge, the Sheriff and the Division Court Inspector may from time to time alter the number, limits and extent of every division, and shall number the divisions in

order beginning at number one as aforesaid, but no resolution or order made under the provisions of this section shall be altered or rescinded, unless public notice of the intention so to alter or rescind, or that application will be made to alter or rescind is made and proclaimed in open Court at the next previous sittings of the General Sessions of the Peace.

(3) The Judge shall cause the Sheriff and Inspector to be notified of any application, and of the time and place at which the same is to be considered. 52 V. c. 12, s. 3.

Holding of Courts.

54.—(1) A Court shall be held in every such division once in every three months or oftener at the discretion of the Judge, who may appoint, and from time to time alter, the times and places within such divisions when and at which such Courts shall be holden, subject to the approval of the Lieutenant-Governor in Council.

(2) The Lieutenant-Governor in Council may from time to time make such regulations as he considers expedient in order to secure the due and convenient holding of Courts in the said districts, and within all other districts now or hereafter to be formed in any part of the unorganized territory in Ontario. R.S.O. 1887, c. 91, s. 19.

Division Court Judges.

55.—(1) The Judges of the Provisional District Courts shall be the Judges of the several Division Courts within their respective Districts, except as in the next subsection provided.

(2) Until the Districts of Parry Sound and Rainy River are erected into separate Provisional Judicial Districts, either by Act of the Legislature or under the provisions of this Act, the Stipendiary Magistrate of the respective Districts shall be the Judge of the Division Courts within his District.

Powers of.

56.—(1) The said Division Court Judges (besides any additional jurisdiction given to them by this Act) shall have the like jurisdiction and powers as are possessed by the County Judges in Division Courts in counties, and shall perform the like duties.

(2) The said Judges shall in all actions brought in the said Division Courts have authority to determine all questions as well of fact as of law in relation thereto in the summary manner authorized by this Act; but if he thinks fit to have any fact or facts controverted in a cause tried by jury, a jury of five persons present shall be returned instantly by the Clerk of the Court to try such fact or facts, and the Judge may give judgment on the verdict of the jury. R. S. O. 1887, c. 91, s. 20.

Laws and rules applicable

57.—(1) The provisions of law from time to time in force relating to Division Courts in counties, and the officers thereof, including the rules or forms made or to be made by the Board

of County Judges, and the fees payable to the Clerks and Bailiffs, shall apply to the Division Courts of the said districts, except where inconsistent with this Act, or where the rules otherwise direct.

(2) Sections 154, 155 (1), 156, 160, 161, 162, 163, 167, 168 and 169 of *The Division Courts Act* shall apply, and sections 150 and 170 of the said Act shall not apply to the Division Courts of the said districts.

Who may be summoned as jurors in Division Courts.

57*a*. Unless exempt under *The Jurors' Act* all male persons between twenty-one and sixty years of age who reside in the division, and who are subjects of Her Majesty by birth or naturalization, may be summoned to serve as jurors at any Division Court.

Who to select jurors.

57*b*. The Clerk of the Court and a Justice of the Peace resident in the division, or in case there is no Justice of the Peace so resident, then a Justice of the Peace residing in an adjoining division, shall select the persons to serve as jurors for the trial of actions required to be tried by or before a jury.

Deposit by person requiring.

57*c*. The person applying for a jury shall deposit with the Clerk of the Court for the expenses of such jury the sum of six dollars, and each juror who attends shall be paid by such clerk the sum of fifty cents.

Certain causes of action not cognizable.

58. The Division Courts of the said districts shall not have cognizance of any action for any gambling debt, or for any spirituous, malt or other like liquors nor of any action whether brought by the payee or any other person on a note of hand, the consideration or any part of the consideration of which was for a gambling debt or for such liquors, nor of any action for the recovery of land, or any action in which the right or title to any corporeal or incorporeal hereditaments, or to any toll, custom or franchise is in question, or in which the validity of any devise, bequest or limitation under any will or settlement is disputed, nor of any action for malicious prosecution, or for libel or slander, or for criminal conversation or seduction, or breach of promise of marriage. R. S. O. 1887, c. 91, s. 23.

Jurisdiction of the Court.

Rev. Stat. s. 51.

Mode of proceeding.

59. The said Division Courts, in addition to the jurisdiction given to Division Courts under *The Division Courts Act*, shall have jurisdiction in all personal actions where the amount claimed does not exceed $100, except as in the next preceding section is provided, and the Judge shall hear and determine such actions and matters in relation thereto in a summary way, and make such orders and judgments as appear to him just and agreeable to equity and good conscience. R. S. O. 1887, c. 91, s. 24.

Minors may sue for wages, etc.

60. Any person under the age of twenty-one years may prosecute an action in any such Division Court for any sum of money not exceeding $100, due to him for wages or piece work, or for work as a servant, in the same manner as if he were of full age. R. S. O. 1887, c. 91, s. 25.

Trial of actions against Clerks.

61. With the consent of both parties to the action, the Judge of a Division Court may try any action within his jurisdiction against a Division Court Clerk of his district in any Division Court within the District. R. S. O. 1887, c. 91, s. 26.

Actions against Division Court Judges.

62. An action by or against a Judge of a Division Court of a district, if the same is within the jurisdiction of any Division Court of his district, may be brought in any Division Court of any adjoining County or District. R. S. O. 1887, c. 91, s. 27.

Matters in dispute not over $800 may be referred to arbitration.

63.—(1) The Judge holding any Division Court in a district, may, in any case, with the consent in writing of both parties to the action, order the same, with or without other matters in dispute between the parties and within the jurisdiction of the Court as to subject matter but irrespective of amount if not exceeding $800, to be referred to arbitration to such persons, and in such manner and on such terms as he may think reasonable and just; and such reference shall not be revocable by either party, except by consent of the said Judge; and the award of the arbitrator or arbitrators or umpire, shall be entered in the cause as a judgment of the Court, and shall be binding and effectual to all intents and purposes.

Award

Subpœna to witness to attend before arbitrators.

(2) Where a reference has been made by such order, either of the parties to the action may obtain from the Clerk of any Division Court, and cause to be duly served, a summons or subpœna requiring the attendance before the said arbitrators of any witness resident within the district, in like manner as before the Judge at the sittings of the said Division Court. R. S. O. 1887, c. 91, s. 28.

Award may be set aside.

64. The Judge or Stipendiary Magistrate may, on application to him within fourteen days after the entry of the award, set the same aside, or may, with the consent in writing of both parties, revoke the said reference and order another reference to be made in the manner aforesaid. R. S. O. 1887, c. 91, s. 29.

Parties may agree that the Judge shall try any matter not over $800.

65.—(1) If the parties between whom differences have arisen agree by a writing signed by them to refer their causes of action, claims and demands to the Judge of the Division Court, and agree that the Judge may try and determine the same, the said Judge shall have power and jurisdiction so to do, provided the subject matter of difference is upon a cause or causes of action not exceeding $800 in amount, and not within the subjects excepted from the jurisdiction of the said Division Courts.

(2) Every such agreement shall be executed in duplicate, one of which duplicates shall be filed with the said Judge and the other with the Clerk of the Division Court in which the action is proposed to be tried, and the said Court shall thereupon have jurisdiction in respect of the matter so referred. Submission to be made in duplicate.

(3) Upon such agreement being filed the plaintiff may enter his claim for suit in such Division Court, and sue out a summons thereupon as in ordinary cases, and the proceedings in the said action may be conducted to judgment and execution (irrespective of the amount recovered, provided it does not exceed $800) in the same manner as in other actions in the said Court, and the judgment in such action shall have the same effect as any other judgment of the Court. R. S. O. 1887, c. 91, s. 30. May be filed and proceedings thereon had to judgment in the Division Court.

66. From the judgment pronounced in a case tried under the *preceding two sections* an appeal shall lie to a Divisional Court of the High Court of Justice, subject to such rules as to stay of proceedings, and otherwise, as may be made in respect thereto by the Judges authorized under *The County Courts Act* to make rules in respect of County Court appeals, and subject until such rules are made, to the like rules, and statutory restrictions as are applicable to appeals from the decision of a Judge of a County Court; but the entry of judgment shall not prevent the appeal being had or proceeded with. Vide R. S. O. 1887, c. 91, s. 31; 58 V. c. 13, ss. 11 (8), 48. Appeal.

67. Upon an application for a new trial in a cause wherein either party may appeal, personal service may be effected, or all papers requiring service may be delivered to the Clerk of the Division Court where the action was tried, or left at his office for the person entitled thereto. The clerk shall forthwith mail by registered letter all such papers to the person entitled to the same, or his authorized agent. R. S. O. 1887, c. 91, s. 32. Service on application for new trial.

68. No appeal shall lie to a Divisional Court of the High Court of Justice if, before the commencement of the trial and without the intervention of the Judge, there shall be filed with the clerk an agreement in writing not to appeal, signed by both parties, or by their solicitors or agents. The Judge shall note in his minutes whether such agreement was filed or not, and the minutes shall be evidence upon that point. R. S. O. 1887, c. 91, s. 34; 58 V. c. 13, s. 48 (1). Parties may agree not to appeal.

69.—(1) The Judge of a District Court of any Provisional Judicial District may, if he thinks fit, at the request of the Stipendiary Magistrate of any Territorial District belonging to the Provisional Judicial District hold any Division Court Judge may act for Stipendiary Magistrate and *vice versa*.

in the said Territorial District, and the said Judge while holding such Court shall have all the rights, powers and privileges of the Stipendiary Magistrate.

(2) A Stipendiary Magistrate of any Territorial District belonging to a Provisional Judicial District may, at the request of the District Judge, act for the Judge in holding any Division Court, or performing any other function or duty of the Judge in connection with the Division Courts in any part of the Provisional Judicial District, and while so acting, such Stipendiary Magistrate shall have all the rights, powers and privileges of the Judge. Vide 51 V. c. 14, s. 7.

REGISTRATION OF DEEDS, OFFICE LAND TITLES, ETC.

Registrar of Deeds may be appointed.

70.—(1) The Lieutenant-Governor in Council may appoint a Registrar of Deeds in and for each of the said Territorial Districts, who shall hold office during pleasure, and shall register all deeds and other conveyances and instruments relating to lands which have or may be patented by the Government of Ontario since the 31st day of December, 1887.

Office, duties and fees of Registrar.

(2) The said Registrar shall keep his office in the District Town of his District unless some other place is named for that purpose in his commission, or at such other place as may be appointed from time to time by the Lieutenant-Governor in Council, and his duties shall be the same as the duties of other Registrars under the registry laws of this Province; and his fees shall be the same as those appointed and established by such registry laws.

Salary may be allowed.

(3) The Lieutenant-Governor in Council may order an annual salary, not exceeding $800, to be paid to the Registrar of a district out of the Consolidated Revenue Fund of this Province, in lieu of such fees; which fees shall in such case be paid into the Consolidated Revenue Fund. R. S. O. 1887, c. 91, s. 35; 51 V. c. 14, s. 10, part, and s. 14.

Securities by Registrars.

71. The provisions of law relating to securities to be given by Registrars of Deeds in other parts of Ontario shall apply to the Registrars of the said districts, except that the covenant to be given by such officers shall be for such an amount as the Lieutenant-Governor in Council may determine. R. S. O. 1887, c. 91, s. 36; 51 V. c. 14, s. 11 (1).

Alteration of limits of territory for registry purposes.

72. The Lieutenant-Governor in Council may, from time to time, by proclamation, limit the territory which, for registry purposes shall be included within the Districts of Algoma, Thunder Bay and Nipissing respectively. R. S. O. 1887, c. 91, s. 38.

Transfer of books, deeds, etc.

73. The Registrars of any of the said districts when thereunto required by the Lieutenant-Governor, shall transfer and deliver to the Registrars of any other of the said districts all

books, deeds, papers, plans and documents in their possession respectively as such Registrars referring or relating exclusively to any lands within such other district or districts; and all the provisions of the registry laws of this Province relating to the transfer of books, deeds, memorials, plans and other documents or instruments from one registry office to another registry office when a part of a county has been detached therefrom and set apart for registration purposes, shall apply to the Registrars and registry offices in the said districts. R. S. O. 1887, c. 91, s. 37; 51 V. c. 14, s. 12.

Local Master of Titles and application of Rev. Stat. c. 116.

74.—(1) The Lieutenant-Governor shall appoint for each of the said territorial districts a Local Master of Titles, who shall hold office during pleasure, and the sections of *The Land Titles Act* numbered 135 to 144 inclusive, shall apply to the said districts. R. S. O. 1887, c. 116, s. 2. 51 V. c. 14, s. 9 and 10, part.

Local Master of Titles may be registrar of deeds.

(2) The Local Master of Titles may also be registrar of deeds. Vide R. S. O. 1887, c. 116, s. 136; 51 V. c. 14, s. 10, part.

Security.

75.—(1) The Lieutenant-Governor may, when both offices are held by one person, require one instrument of security to be given for both offices, in which case such instrument shall be, as nearly as may be, in the form given in Schedule A to *The Registry Act*, subject, however, to the provisions of sections 24 and 25 of *The Act respecting Public Officers*.

56 V. c. 21
Rev. Stat. c. 15.

(2) The said officer and his sureties shall, in such case, be jointly and severally liable on their covenant to any aggrieved person or persons, including the Crown, to indemnify him or them against any damage or loss sustained by him or them, by or through the neglect or misconduct of the officer, or his deputy, in the performance of the duties of his office, not exceeding the penalty named therein, but this provision shall not exempt the officer from any further responsibility to persons sustaining damage or loss as aforesaid, or render him liable in respect of any act or omission for which protection is given by section 88 of *The Land Titles Act*. 51 V. c. 14, s. 11.

Rev. Stat. c. 116.

SPECIAL SITTINGS OF COURTS IN DISTRICTS AND PROVISIONAL COUNTIES.

Judge may appoint additional sittings of the Court or of Sessions of the Peace within a Territorial District or Provisional County.

76.—(1) The Judge of any County or District Court to whose jurisdiction any Provisional County or Territorial District belongs, may appoint additional sittings of the County or District Court and of the Court of the General Sessions of the Peace, or of either of such Courts, to be held at such place or places within such District or Provisional County as he thinks fit.

(2) Such sittings of the County or District Court shall be for the trial of causes, where the contract was made within the Provisional County or Territorial District within which such sittings are held; or if the action is not upon contract, then where the cause of action arose within such Provisional County or District.

(3) Such Sessions of the Peace shall be for the trial of causes within the jurisdiction of the General Sessions of the Peace, provided the offence to be tried was committed within the said Provisional County or Territorial District. Vide R. S. O. 1887, c. 91, s. 73.

Lieutenant-Governor in Council may require sittings to be held.

77. Sittings of any of the said Courts shall also be held at such times and places as the Lieutenant-Governor in Council may appoint. R. S. O. 1887, c. 91, s. 74.

Appeals to General Sessions in such case.

78.—(1) In case the Lieutenant-Governor directs sittings of the Court of General Sessions of the Peace of any County or District to be held at regular periods at some place within a Territorial District or Provisional County, and issues his proclamation in that behalf, such sittings shall thereafter be the proper Court for the trial of appeals to the General Sessions from a decision, order or conviction, made by a Justice of the Peace within such District or Provisional County, and such Court shall have full and complete jurisdiction and authority for the trial of every such appeal, as well as for the trial, of any person charged with an offence committed within the District or Provisional County over which the Sessions have jurisdiction.

(2) Where an offender may be more conveniently tried within that portion of the County or Provisional Judicial District outside of such Provisional County or Territorial District, such offender may be so tried. R. S. O. 1887, c. 91, s. 75.

TRIAL OF HIGH COURT ACTIONS.

High Court or a Judge thereof may order trial of actions or examinations of witnesses at the Courts held under this Act.

79. The High Court or a Judge thereof may direct that any action for the recovery of lands lying in the Provisional County or Territorial District in which any sittings of a County or District Court are to be held, or any other action pending in the High Court, shall be tried at such sittings; or may order that the witnesses shall be examined and the facts ascertained at such sittings and the questions of law arising thereon reserved for the opinion of the Court; or may make such like order for the purpose of facilitating the determination of the matters in dispute in the action as he thinks fit. R. S. O. 1887, c. 91, s. 76.

JURIES IN PROVISIONAL COUNTIES.

Summoning jurors.

80. Where sittings of a Court are held in a Provisional County the sheriff or other officer whose duty it is, or who may be legally required, to summon and return jurors or persons to serve as jurors for such Courts, may select, choose and return for such jurors, in case jurors are required, any of the inhabitants of such Provisional County, without reference to the mode prescribed for selecting, balloting or returning jurors by *The Jurors' Act*. Vide R. S. O. 1887, c. 91, s. 77.

GAOLS IN PROVISIONAL COUNTIES.

Gaols to be provided.

81. The Lieutenant-Governor may from time to time direct that one or more suitable erections shall be provided by the Commissioner of Public Works in any provisional county for the safe custody of prisoners charged with crime or convicted of any offence, and every erection so provided shall be deemed a common gaol of such provisional county. R. S. O. 1887, c. 91, s. 81.

NEW DISTRICTS AND ALTERATION OF LIMITS.

Separation of senior and junior districts.

82.—(1) Where a Provisional Judicial District is composed of two Territorial Districts, the Lieutenant-Governor in Council may, by proclamation, declare that from a day to be named in the proclamation, the junior district shall be detached from the Provisional Judicial District and erected into a separate Provisional Judicial District. Vide R. S. O. 1887, c. 91, s. 44.

(2) Upon the issue of such proclamation the Judges of the District and Surrogate Courts for the new Provisional Judicial District may be appointed, and any other appointments which are required may be made; all such appointments shall go into force at the time named in the said proclamation for the separation to take effect. Vide 55 V. c. 42, s. 46.

(3) When the separation takes effect the name of the junior district shall cease to be part of the names of the Courts of the senior district, and the Division Courts in each district shall, until a new division is made, be the Division Courts of such district.

(4) In applying sections 15, 16 and 17 of *The Division Courts Act* to the circumstances arising upon any such separation, the officers authorized by section **53** of this Act to make changes in respect of Division Courts in Districts, shall be substituted for those authorized by the said sections to make changes in respect of Division Courts in Counties.

Alteration of limits.

83.—The Lieutenant-Governor in Council may from time to time, by proclamation, detach any township or territory from any Provisional Judicial, or Territorial District, and annex the same to any adjoining district. R. S. O. 1887, c. 91, s. 80 (1).

Effect upon certain officers.

84.—(1) In case a portion of a County or of a Provisional Judicial or other District has been, or shall be formed into or annexed to another District whether by Act of the Legislature or by proclamation of the Lieutenant-Governor, the coroners, justices of the peace and commissioners for taking affidavits residing in the territory so dealt with, shall be coroners, justices of the peace and commissioners for the Territorial District into which the territory in which they reside is formed, or to which it is attached, by the same tenure of office and without their again taking any oaths.

(2) If the Territorial District to which such locality thereafter belongs is part of a Provisional Judicial District, composed of two territorial districts, such justices may act in General Sessions of the Peace as justices for the Provisional Judicial District, but shall not elsewhere act as justices except for the Territorial District in which they respectively reside at the time of the formation or annexation as aforesaid. Vide R. S. O. 1887, c. 91, s. 80 (2.) 51 V. c. 14, s. 2.

(3) This section shall not apply to a justice of the peace where the commission appointing him has dispensed with his residence in the district for which he was appointed.

District Judge to decide disputes as to by-laws, etc.

☞**85.** If any dispute at any time arises as to the validity of any by-law, or resolution, or order of any municipality in the provisional judicial districts of Algoma, and Manitoulin, and Thunder Bay, and Rainy River, the same shall be referred to the Judge of the district, whose decision thereon shall be final, and the said Judge shall have the power of enforcing his decision, if necessary, by a writ or writs under his hand and seal, to be directed to the proper sheriff adapted to the purposes intended. R. S. O. 1887, c. 185, s. 57.☜

☞(2) Where any party to the proceedings before the County Judge is dissatisfied with his decision, he may appeal therefrom to a Divisional Court of the High Court, upon giving ten days' notice of such appeal within two weeks after publication of such decision.☜

TRESPASSES BY ANIMALS.

Trespassers by animals.

86. No damages shall be recovered in respect of injuries committed in any of the said Districts upon any land by horses, cattle, sheep, or swine, straying upon such land, unless the animal so straying was running at large contrary to a municipal by-law in that behalf; and where no by-law pro-

hibiting or regulating the running at large of the class of animals to which the animal trespassing belongs, is in force in the municipality, township or place, then no such damages shall be recovered unless such animal has broken through or jumped over a fence then being in reasonably good order and of the height of four and one-half feet; but this section shall not apply to breachy or unruly animals. R. S. O. 1887, c. 91, s. 82.

OFFICERS.

Officers continued.

87. Any officer appointed under any Act hereby repealed shall continue to hold office as if he had been appointed under this Act.

ACTS REPEALED.

Acts repealed.

88. The Acts mentioned in the first and second columns of the Schedule hereto annexed to the extent shown in the third column of the said Schedule are hereby repealed.

WHEN ACT TAKES EFFECT.

When Act in force.

89. This Act shall take effect upon the 31st day of December next.

SCHEDULE OF REPEALED ENACTMENTS.

Chapter.	Title.	Extent of repeal.
R. S. O. 1887, c. 91..	The Unorganized Territory Act..	The whole except section 41 so far as such section affects any writ of execution issued before the 1st day of January, 1894, and any writ which depends for its priority upon a former writ so issued. Vide 57 V. c. 33, s. 13 (1).
R. S. O. 1887, c. 185..	An Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing, Thunder Bay and Rainy River.	Section 57.
51 V. c. 13..... ..	An Act respecting Muskoka and Parry Sound.	The whole, except so much of section 14 as authorizes the sheriff of Simcoe to execute within Muskoka or Parry Sound a writ in his hands at the time the said Districts became a Provisional Judicial District, or to execute therein a writ depending for its priority upon a former writ.

Chapter.	Title.	Extent of repeal.
51 V. c. 14.....	An Act respecting Manitoulin ...	The whole except so much of section 1 as defines the territory which constitutes the District of Manitoulin, now the Territorial District of Manitoulin.
52 V. c. 17.....	An Act to make further provision respecting the Districts of Parry Sound and Muskoka.	Sections 6 to 10.
53 V. c. 25.....	An Act to provide for the appointment of Junior and Deputy Judges in Provisional Judicial Districts.	The whole.
53 V. c. 26.....	An Act to correct a Clerical Error in the Act to make further provision respecting the Districts of Parry Sound and Muskoka.	The whole
55 V. c. 18.....	An Act respecting the Courts in Algoma and Thunder Bay.	The whole,
56 V. c. 11.....	An Act to amend the Judicature Act.	Section 3.
57 V. c. 32.....	An Act to facilitate the Administration of Justice in Rainy River.	The whole.
57 V. c. 33.....	An Act to erect Nipissing into a Provisional Judicial District.	The whole except section 13.
58 V. c. 13..... ..	The Law Courts Act, 1895. ...	Sections 34, 35 and 48.
59 V. c. 18.....	The Law Courts Act, 1896	Item 46 in the schedule.
59 V. c. 24..... ..	An Act respecting Justices of the Peace in the Districts of Thunder Bay and Rainy River.	The whole.

No. 80.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend and consolidate the Acts respecting the Administration of Justice in those portions of the Province outside of County Organization.

First Reading, 22nd February, 1897.
Second Reading, 11th March, 1897.

(Reprinted as amended in Committee of the Whole House.)

THE ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 81.] BILL. [1897.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 493 of *The Consolidated Municipal Act, 1892*, is amended by adding thereto the following sub-section:— 55 V. c. 42, s. 493, amended.

"2*a*. To compel the owners and other persons interested in all buildings more than two stories in height (except private dwellings and those buildings included within *The Factory Act*) to provide proper fire escapes thereon, and to prevent the occupation of such buildings unless such fire escapes are provided." By-laws for compelling use of fire escapes.

2. Section 479 of the said Act is amended by adding thereto the following subsection:— 55 V. c. 42, s. 479, amended.

"20*b*. For authorizing the park commissioner, or other officer appointed by the council so to do, to plant, remove, replant and trim all trees required or placed upon the streets of any municipality having a population of 100,000 or more, and to trim all trees in such cities, the branches of which extend over the streets thereof, and such municipality shall not be required to comply with the two preceding subsections, or be liable for the removal of any tree as is therein provided, or be liable for trimming any tree." By-laws for authorizing Park Commissioners to plant and remove and trim trees on streets.

3. The council of any city may by by-law, to be passed not later than the 15th day of November in any year, enact that the meetings of electors for nomination of candidates for the office of mayor, aldermen, and public school trustees shall be held on the 20th day of December, or when the 20th day of December happens to be on a Sunday, then upon the 21st day of December, and that the ballots shall be opened on the 1st day of January next thereafter, except when the 1st day of January falls on a Sunday, in which case the ballots shall be opened on the 2nd day of January. Holding municipal and school elections on New Year's day.

(1) All the other provisions of law relating to municipal elections shall apply to elections in such cities.

(2) It shall not be necessary to re-enact such by-law in each year, but the same shall remain in force until repealed by another by-law to be passed not later than the 15th day of November in any year.

55 V. c. 42, s. 79, amended.

4. Section 79 of the said Act is amended by adding thereto the following proviso:—

Qualification of municipal electors in cities of 100,000.

"Provided, however, that in cities of over 100,000 inhabitants, the right of voting at municipal elections shall belong to all persons of the full age of 21 years, and subjects of Her Majesty by birth or naturalization, whose names are upon the revised assessment roll of the municipality, upon which the voters' list used at the election is based (except those rated for statute labor under section 88 of *The Assessment Act*, and having received no reward, and having no expectation of a reward for voting."

55 V. c. 42, s. 80, amended.

5. Section 80 of the said Act is amended by striking out the figures "400" in the 8th line thereof, and substituting the figures "200" therefor.

Proceedings on taking vote on questions submitted to the electors.

6.—(1) All proceedings, regulations and penalties provided by the said Act, and amendments thereto, for the conduct of municipal elections, and for voting upon municipal by-laws, so far as the same are applicable, and except in so far as is herein otherwise provided, shall apply *mutatis mutandis* to the taking of every vote which municipal councils may from time to time submit to the duly qualified electors entitled to vote for members of such councils, and to all officers and other persons engaged in taking such vote, and municipal councils are authorized from time to time to submit to the duly qualified ratepayers any question or questions as may from time to time be brought before the councils and on which they may deem it wise to have the opinion of the electors

Application of provisions relating to elections.

Who may vote.

(2) The persons qualified to vote upon the questions from time to time submitted shall be the persons entitled to vote at municipal elections in the municipality.

Voter to vote only once.

(3) No person shall vote more than once upon any question submitted.

By-law for submitting question.

(4) The submission of any question from time to time shall be in pursuance of a by-law of the municipal council of such municipality, which by-law shall set out the nature of the question to be submitted, the time for taking the vote upon the said question, and a time and place at which the clerk of the municipality shall sum up the number of votes given in favor of deciding the question in the affirmative and the nega-

tive respectively, and the time and place for the appointing of agents who may attend at the various polling places and at the final summing up of the votes by the clerk of the municipality on behalf of the persons desiring to procure an answer in the affirmative and negative respectively to the said question; and the said by-law shall also fix the polling places where the votes may be recorded upon such question.

Oath of voters.

(5) The oath or affirmation which is to be administered to persons claiming the right to vote upon the said question shall be in the form set forth in Schedule A hereto, and every deputy returning officer, who shall preside at any polling place during the taking of any such vote, is hereby authorized, and upon the request of any person entitled to be present at such polling place is required, to administer the said oath or affirmation to every person claiming such right, and if any such person shall refuse to take such oath or affirmation, his vote shall not be received. If the deputy returning officer receives such vote, or causes the same to be received after such refusal, he shall incur a penalty of $200 for every such offence.

Counting votes and making return.

(6) Immediately after the close of the poll in every polling place, the deputy returning officer shall in the presence of the persons authorized to be present, count the votes given "Yes" and "No" on the said question, and shall make up into separate packets sealed with his own seal, and the seals of such persons authorized to be present as desire to affix their seals, and mark upon the outside, with a short statement of the contents of each such packet, the date, the name of the deputy returning officer, and the ward and polling sub-division.

(a) A statement showing:

(1) The votes given "Yes" on the said question.

(2) The votes given "No" thereon.

(b) The used ballot papers which have not been objected to and have been counted.

(c) The ballot papers which have been objected to but which have been counted.

(d) The rejected ballot papers.

(e) The spoiled ballot papers.

(f) The unused ballot papers.

(g) A statement of the number of voters whose votes are marked by the deputy returning officer under the heads "Physical inability" and "Unable to write," with the declarations of inability.

(h) The voters' list, with the oath of the deputy returning officer in accordance with Schedule G to *The Municipal Act*, and the notes taken of objections made to the ballot papers found in the ballot box.

Intoxicating liquors not to be sold during polling.

(7) No spirituous or fermented liquors, or strong drink shall be sold or given at any hotel, tavern, shop or other place within the limits of a polling subdivision during the polling day, under a penalty of $100 for every offence, and the offender shall be subject to imprisonment, not exceeding six months, at the discretion of the court or judge, in default of payment of such fine.

Licensing powers transferred from council to police commissioners

7. In cities of over 100,000 inhabitants, the police commissioners of such cities shall have the powers which are now possessed by the municipal council so far as they relate to licensing, regulating and governing persons selling fresh meat in quantities less than the quarter carcass, persons carrying on the trade of plumbers, and licensing and regulating ferries, and all other powers possessed by the councils of such cities in reference to licensing, regulating or governing trades, businesses or occupations, and such police commissioners shall have full power to license, regulate and govern each person engaged in any of the businesses or employments hereinbefore set out, whether the full power to license, regulate and govern has been heretofore possessed by such municipalities or not, but the councils shall continue to have the power to fix the fees to be paid for such licenses, and any moneys derived from such licenses are to be handed over by the police commissioners to the treasurers of such cities to form part of the revenue thereof.

(1) The said police commissioners shall have the like powers in respect of any such business as is now possessed by the municipal councils in reference to auctioneers under section 8 of *The Municipal Amendment Act, 1894.*

Voting sum for celebrating the 60th anniversary of the accession.

8. The council of any city may include in the estimates thereof for the year 1897, a sum to be expended in celebrating the 60th anniversary of the coronation of Her Most Gracious Majesty the Queen, which sum shall in the case of cities having a population of 100,000 or over, be not more than $5,000, in case of cities having a population of 20,000 or over, not more than $, and in case of other cities not more than $.

59 V. c. 51, s. 33, sub-s. 1 repealed.

9. Subsection 1 of section 33 of *The Municipal Amendment Act, 1896,* is repealed from and after this date and the following inserted in lieu thereof:

Constitution of board of control in cities of 100,000.

(1) In cities having a population of one hundred thousand or over, there shall be a board of control to consist of the mayor and four aldermen, three of whom shall form a quorum. Such four aldermen shall be elected by the council at its first meeting for the year, or in case of failure to elect at such meeting, then within one week thereafter.

(2) Subsection 2 of the said section is amended by striking out the word "three" in the first line thereof and inserting the word "four" in lieu thereof. 59 V. c. 51, s. 33, sub-s. 2 amended.

(3) Subsection 3 of the said section is amended by striking out the words "in the event of a tie at the board the mayor shall have a second and casting vote," in the third and fourth lines thereof. 59 V. c. 51, s. 33, sub s. 2 amended.

SCHEDULE A.

(Section 6.)

1. You swear (or solemnly affirm) that you are the person named or intended to be named by the name of in the list of voters now shown to you.

2. That you are a natural born (or naturalized) subject of Her Majesty and of the full age of twenty-one years.

3. That you have not voted before during the taking of this vote, either at this or at any other polling place.

4. That you have not directly or indirectly received any reward or gift, nor do you expect to receive any for the vote which you now tender.

5. That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote upon the taking of this vote, or for loss of time, travelling expenses, hire of team, or any other service connected with the taking of this vote.

6. And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting upon the taking of this vote.

7. (In case of an unmarried woman or widow claiming to vote.) That you are unmarried (or a widow, as the case may be).

8. (In the case of a voter claiming the right to vote as a freeholder.) That you are in your own right (or your wife is) a freeholder within this municipality.

9. (In the case of a person claiming the right to vote as a householder or tenant.) That on the day of 18 (the day certified by the clerk of the municipality as the date of the return or of the final revision and correction of the assessment roll upon which the voters' list used for the purpose of taking the vote is based), you were actually, truly and in good faith possessed to your own use and benefit as tenant or occupant of the real estate in respect of which your name is entered on the said list; that you are (or your wife is) a householder or tenant within this municipality, and that you have been resident within the municipality for one month next before the present date.

10. (In the case of a person claiming the right to vote in respect of income.) That on the day of 18 (the date certified by the clerk of the municipality as the date of the final revision and correction of the assessment roll upon which the voters' list used for the purpose of taking the vote is based), you were and thenceforward have been continuously and still are a resident of this city, and that at the said date, and for twelve months previously, you were in possession of an income from your trade, office, calling or profession, as the case may be, of a sum of not less than four hundred dollars.

No. 81.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Municipal Act

First Reading, 23rd February, 1897.

Mr. RYERSON.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 82.] BILL. [1897

An Act respecting Roads laid out along Side Lines in Certain Townships.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Side lines n double front concession.

1. In any township in which the concessions have been surveyed with double fronts, that is with posts or monuments planted on both sides of the allowances for roads between the concessions, and the divisions or side lines have been drawn from the posts at both ends to the centre of the concession, in case the lines so drawn do not meet, and road allowances have been laid out along such lines, the council may by by-law provide for the opening and laying out upon a survey made by an Ontario land surveyor, of a roadway joining the ends of such road allowances and the centre of such roadway shall be determined by a straight line drawn along the centre of the concession between the ends of such road allowances unless it shall appear to the surveyor that any other line would be more suitable according to the circumstances of the case, and the surveyor shall determine the compensation to be paid to persons whose lands may be taken for opening and laying out the said roadway, and the amount so determined shall be paid to such persons by the municipal corporation of the township.

No. 82.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting Roads laid out along Side Lines in Certain Townships.

First Reading, 23rd February, 1897.

Mr. SMITH.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 82.] **BILL.** [1897.

An Act respecting Roads laid out along Side Lines in Certain Townships.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Side lines in double front concession

1.—(1) In any township in which the concessions have been surveyed with double fronts, that is with posts or monuments planted on both sides of the allowances for roads between the concessions, and the divisions or side lines have been drawn from the posts at both ends to the centre of the concession, in case the lines so drawn do not meet, and road allowances have been laid out along such lines, the council may by by-law provide for the opening and laying out upon a survey made by an Ontario land surveyor, *to be named in the by-law* of a roadway joining the ends of such road allowances and the centre of such roadway shall be determined by a straight line drawn along the centre of the concession between the ends of such road allowances unless it shall appear to the surveyor that any other line would be more suitable according to the circumstances of the case, and the surveyor shall determine the compensation to be paid to persons whose lands may be taken for opening and laying out the said roadway, and the amount so determined shall be paid to such persons by the municipal corporation of the township.

(2) A copy of the by-law shall be served upon all persons over whose lands the proposed road will pass and any such person desiring to object to the surveyor named may within one month after service of the by-law serve on the clerk of the municipality and on the other persons interested a notice of objection to such surveyor together with an appointment returnable before the county judge.

(3) Upon the return of the appointment the judge of the county court of the county after hearing all parties concerned may confirm the appointment of the surveyor named in the by-law or may name and appoint some other Ontario land surveyor to carry out the terms of the by-law and the Ontario land surveyor so appointed shall act in the place and stead of the surveyor named in the by-law.

No. 82.

3rd Session, 8th Legislature, 60 Vict. 1897.

BILL.

An Act respecting Road laid out along Side Lines in Certain Townships.

First Reading, 23rd February, 1897.
Second Reading, 19th March, 1897.

(Reprinted as amended by Municipal Committee.)

Mr. SMITH.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 83.] BILL. [1897.

An Act to amend The Marriage Act of 1896.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Section 17 of *The Marriage Act, 1896*, is amended by striking out the word "each" in the second line thereof and inserting in lieu thereof the word "one."

59 V. c. 39 s. 17 amended. Affidavit to be made on application for license.

No. 83,

3rd Session, 8th Legislature, 60 Vict., 1897.

Bill.

An Act to amend The Marriage Act, 1896.

First Reading, 23rd February, 1897.

Mr. CHAPPLE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty

No. 84.] **BILL.** [1897.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V, c. 42, s. 263 sub ss, 3, 4, 5, repealed.

Subsections 3, 4 and 5 of section 263 of *The Consolidated Municipal Act, 1892*, are repealed.

No. 84.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL

An Act to amend The Municipal Act

First Reading, 23rd February, 1897.

Mr. CHAPPLE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 85] **BILL.** [1897.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 42, s. 248, sub-s. 1, amended.

1. Sub-section 1 of section 248 of *The Consolidated Municipal Act, 1892*, is hereby amended by adding at the end thereof the words "and every such return shall be transmitted by mail in a registered package."

Transmitting returns to Bureau of Statistics.

55 V. c. 42, s. 248, sub-s. 1, amended.

2. Subsection 1 of section 248 of the said Act is amended by adding at the end thereof the following:—

Advertisement of debt by-law to be sent to Bureau.

(*a*) The clerk of every municipality shall, within one month after the final passing of every by-law for creating debt, send to the Secretary of the Bureau of Industries, one copy of the newspaper advertisement required under section 345 of this Act.

55 V. c. 42, s. 252, sub-s. 1, amended.

3. Subsection 1 of section 252 of the said Act is amended by adding at the end thereof the words "and every such return shall be transmitted by mail in a registered package."

55 V. c. 42, s. 263, sub-s. 2, amended.

4. Subsection 2 of section 263 of the said Act is hereby amended as follows:—

(*a*) By inserting in the third line after the words "and also" the words "in duplicate."

Auditors abstract of finances of corporation.

(*b*) By inserting in the sixth line after the word "shall" the words "under a penalty of $20 in case of default," and by inserting after the word "transmit" in the same line, the words "by mail in a registered package."

(*c*) By inserting in the seventh line after the word "and" the words "also one copy of the."

(*d*) By inserting in the ninth line after the word "other" the word "abstract."

(*e*) By inserting in the tenth line after the words "with the" the word "other."

55 V. c. 42, s. 263, amended.

5. Section 263 of the said Act is amended by adding thereto the following as subsection (6):—

Money payable by Province to be retained if auditors' return not made.

(6) The Treasurer of the Province shall retain in his hands any moneys payable to any municipality, if it is certified to him by the Secretary of the Bureau of Industries that the auditor or auditors of such municipality have not made the returns hereby required.

No. 85.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Municipal Act.

First Reading, 23rd February, 1897.

Mr. DRYDEN.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 86.] **BILL.** [1897.

An Act to amend The Agriculture and Arts Act, 1895.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as *The Agriculture and Arts Amendment Act, 1897.* Short title.

2. Subsection (*b*) of section 7 of *The Agriculture and Arts Act, 1895*, is amended by adding thereto the following :— 58 V. c. 11, s. 7, amended.

"Subject to the by-laws of the Society, a firm or an incorporated company may become a member of any Society or Association incorporated under this Act by the payment of the regular fee, but the name of one person only shall in any one year be entered as the representative or agent, and that person only shall exercise the privileges of membership in the Society or Association."

3. Section 30 of *The Agriculture and Arts Act, 1895*, is amended by striking out the words 58 V. c. 11, s. 30, amended.

"The Dairymen's Association of Eastern Ontario."

"The Dairymen's Association of Western Ontario."

"The Ontario Creameries Association,"

and substituting therefor the following :—

"The Butter and Cheese Association of Eastern Ontario."

"The Butter and Cheese Association of Western Ontario." Butter and Cheese Associations to take the place of Dairymen's Associations.

4. Section 31 of the said Act is amended as follows :— 55 V. c. 11, s. 31, amended.

(*a*) By striking out the words "and the Ontario Creameries Association," and "each" in line 7 ;

(*b*) By striking out the word "Dairymen's" in lines 8, 9 and 10, and inserting instead the words "Butter and Cheese."

(*c*) By adding the following subsections:—

(3) The Butter and Cheese Association of Eastern Ontario, and the Butter and Cheese Association of Western Ontario may, each elect three vice-presidents.

(4) The officers and directors of the Dairymen's Association of Eastern Ontario elected at the last annual meeting of the said Association shall be the officers and directors of the Butter and Cheese Association of Eastern Ontario for the current year; and the officers and directors of the Dairymen's Association for Western Ontario elected at the last annual meeting of the said Association shall be the officers and directors of the Butter and Cheese Association of Western Ontario for the current year.

(5) The property and assets of the Dairymen's Association of Eastern Ontario, are hereby vested in and shall be the property and assets of the Butter and Cheese Association of Eastern Ontario, and all the property and assets of the Dairymen's Association of Western Ontario are hereby vested in and shall be the property of the Butter and Cheese Association of Western Ontario.

55 V. c. 11, Sched. B, amended.

5. Schedule B to the said Act is amended as follows:—

North Perth, how constituted.

(*a*) The paragraph commencing "Perth, North" by striking out the words "Wallace" and "the town of Listowel" and by adding after the word "Milverton" the following: "Also that portion of the Township of Wallace included in concessions I, II, III, IV, V, which together with the town of Listowel shall be considered as a township for the purposes of this Act."

West Wellington, how constituted.

(*b*) The paragraph commencing "Wellington, West" by striking out the word "Palmerston" and by adding after the word "Drayton" the following: "Also that portion of the Township of Wallace included in concessions VI, VII, VIII, IX, X, XI, XII, XIII, which together with the town of Palmerston shall be considered as a township for the purposes of this Act.

No. 86.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Agriculture and Arts Act, 1895.

First Reading, 23rd February, 1897.

Mr. DRYDEN.

TORONTO.
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 87.] **BILL.** [1897.

An Act respecting the Fisheries of Ontario.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short Title.

1. This Act may be cited as *The Ontario Fisheries Act, 1897.* R. S. O. 1887, c. 32, s. 1.

Application of Act.

2. This Act, and the respective provisions thereof, and the regulations hereby authorized, shall apply to all fishing and rights of fishing, and all matters relating thereto, in respect of which the Legislature of Ontario has authority to legislate for the purposes of this Act, but shall not authorize, nor shall any lease, license or permit issued hereunder, or in pursuance of regulations made hereunder, authorize or be deemed to authorise, any interference with the navigation of any navigable water. R. S. O. 1887, c. 32, s. 2.

Interpretation

3. Where the following words occur in this Act, and in any regulations hereby authorised, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:—

"Crown Lands."

(1) "Crown Lands," shall mean and include, such ungranted Crown, or public lands, or Crown domain, as are within, and belong to the Province of Ontario, and whether or not any waters flow over or cover the same.

"Waters"

(2) "Water," or "waters," or "Provincial water," or "Provincial waters," shall mean and include, such of the waters of any lake, river, stream or water-course wholly or partially within the Province over or in respect of which the Legislature of this Province has authority to legislate for the purposes of this Act, and whether flowing over or covering Crown lands or not.

"Commissioner." (3) "Commissioner," shall mean the member of the Executive Council, designated from time to time, by Order-in-Council, as Commissioner of Fisheries.

"Fish." (4) "Fish," shall mean and include, every kind, species or variety of fish in respect of the catching or killing of which, within the Province, the Legislature of Ontario has authority to legislate.

"Fishery Lease." (5) "Fishery lease," or "lease," shall include and mean, a lease conferring for a term therein mentioned, upon the lessee therein named, the right to take and keep, for the purposes of fishing, under and subject to the provisions of this Act, and of all regulations made thereunder, the exclusive or other possession of any Crown lands therein described, with the exclusive or other right to fish in any waters flowing over or covering the same, at such time, and in such manner, and with such restrictions, and subject to such regulations, as may be permitted, regulated or prescribed, by any lawful authority in that behalf.

"Fishing License." (6) "Fishing license," or "license," shall mean and include, a license granting for the time therein mentioned, to the licensee therein named, upon payment of the license fee therein stipulated, a right to fish in any waters flowing over or covering Crown lands therein described, or other lands, or in respect of which the Legislature of the Province has authority to legislate for the purposes of this Act, at such time or times in such manner, and with such restrictions, and subject to such regulations as may be permitted, regulated or prescribed by any lawful authority in that behalf, but no fishing license shall be deemed to be, or be construed to operate as, or in the nature of, a lease or demise.

"Bass." (7) The word "bass," when used herein, shall mean and include black bass, Oswego or large mouthed bass, and green bass.

"Close season." (8) The words "close season," shall mean and include, the time in any year during which fishing for catching or taking in any Provincial water, or killing, carrying away or buying or selling, or having in possession the kind or species of fish hereinafter named, or any of them, is prohibited, or regulated by the laws or fishing regulations of Canada or in default of such laws or regulations by other lawful authority in that behalf.

"Tourist." (9) The word "tourist," or "summer visitor," shall include all persons who may, during the spring, summer or autumn months, be temporarily visiting, boarding or lodging, in any locality, at a distance of over five miles from their usual place of residence at other times of the year. R. S. O. 1887, c. 32, s. 3. 55 V. (Ont.) c. 10, ss. 2, 3, and 4.

Fishery leases and licences. **4.** The Commissioner may issue, or authorize to be issued, fishery leases or fishing licenses, for fisheries and fishing

wheresoever situated or carried on, in Provincial waters, subject always, to such regulations, conditions and restrictions as may from time to time be made, ordered, established or fixed in that behalf, by the Lieutenant-Governor-in-Council, and published in the *Ontario Gazette*, or as may be contained in the lease or license ; but leases or licenses for any term exceeding five years shall be issued only under authority of the Lieutenant-Governor in Council. R. S. O. 1887, c. 95, s. 4, R. S. O. 1887, c. 32, s. 4.

If for more than five years.

5. The rental shall be fixed by the Commissioner and shall be paid in advance, at the time or times specified therefor in the lease, and a lessee who fails to pay the rental, when and as by his lease provided, shall forfeit all rights thereunder and thereupon the lease may be declared void by the commissioner who may relet the said rights ; but notwithstanding the forfeiture of the said lease, and the said re-letting the said lessee shall be liable, at the suit of Her Majesty, for the said rental, and the expenses incurred by such forfeiture and re-letting. R. S. O. 1887, c. 32, s. s. 5 and 6.

Rental.

Forfeiture for non-payment.

6. No lessee, or licensee, shall have the right to sub-let, transfer or assign any right, interest or privilege granted or conferred upon him under the provisions of this Act without first having obtained the written consent of the Commissioner or other officer thereto authorized by him. R. S. O. 1887, c. 32, s. 7.

Transfer of leases.

7. If, in consequence of any incorrectness of survey, or other error or cause whatsoever, a fishery lease comprises lands included in a fishery lease of a prior date, the fishery lease last granted shall be void in so far as it interferes or purports to interfere with that previously issued, and the holder or proprietor of the lease so rendered void shall have no claim for indemnity or compensation on account thereof. R. S. O. 1887, c. 32, s. 8.

Lessee not entitled to compensation in case of deficiency.

8. Every person not being lawfully authorized so to do, who enters upon, or passes over, the land described in and the subject of a fishery lease without permission of the lessee or his representative, shall be deemed a trespasser, and on conviction thereof shall incur, and pay, a fine of not less than one dollar nor more than $10, with costs of prosecution, for each offence, and in default of immediate payment of such fine and costs, shall be imprisoned in the common goal of the county (or district), within which the offence was committed, for a period not exceeding one month. Provided however, that this section shall not apply to any person entering upon or passing over such lands in discharge of any duty imposed by law, nor, when the lands are included in a timber license, to the holder thereof, who shall at all times have the right to cut and take away all trees, timber and lumber within the limits of his license ; nor

Penalty for trespass.

to prevent the owners or occupiers of lands bordering on any waters using a general right of passage to and from such waters, nor to prevent the public use of any waters or the banks thereof either for the conveyance of timber and lumber of any kind or for the free navigation thereof, by vessels, boats or other craft; nor to any user under license by the Crown of any such lands or waters for any purpose or occupation not inconsistent with the provisions of this Act. R. S. O. 1887, c. 32, s. 9.

Rights of passage.

9. Every fishery lease shall be deemed to have been made and granted, subject to the right of passage to and from any waters in favor of the occupants (if any), under title from the Crown, of the lands in rear of those included in the fishery lease, whether so expressed in the lease or not. R. S. O. 1887, c. 32, s. 10, sub-s. 1.

Appointment of guardians.

10.—(1) The Commissioner may, upon the request of any lessees of fishery leases, or without such request, appoint as many guardians as may be deemed necessary for the effectual protection of the fisheries, or rights of fishing in any waters; such guardians shall be sworn to the faithful discharge of their duties, and especially, to prevent the taking or killing, or attempting to take, or kill, fish in the waters under their charge, by illegal means, or in an illegal manner, or at times when the taking or killing of fish is prohibited by lawful authority; they shall be employed for such length of time as the Commissioner shall consider necessary, and their services shall be paid for by the lessee or lessees in such proportions and at such times and in such manner as may be determined by the Commissioner.

(2) If thereunto required by the Commissioner, a lessee shall keep and maintain, at his own expense, within the limits granted to, or conferred upon him, by a fishery lease, and for such time or times as the Commissioner may in that behalf prescribe, one or more efficient guardians, whose duties shall, in all respects, be the same as those of the guardians in the preceding subsection mentioned. R. S. O. 1887, c. 32, s. 15.

Return by lessees.

11. It shall be a condition of every fishery lease, that the lessee shall, as soon as possible after the close of every fishery season, transmit to the Department of Crown Lands, a statement of the number and weight of each species of fish caught in the waters affected by the lease; and default in so doing shall render him liable to forfeiture of his lease, and also to a penalty of not less than $10 nor more than $100, to be recovered at the instance of the Crown before any stipendiary or police magistrate, or before any two justices of the peace having jurisdiction in the locality. R. S. O. 1887, c. 32, s. 16.

12. The Commissioner may, with the consent of the owners and for the purposes of management only, assume the control of fishing rights pertaining to granted lands fronting on or covered by any stream, river or lake, with a view to improving or leasing the same in connection with those pertaining to Crown lands fronting on or covered by the same stream, river or lake, and paying over to the private owners of such fishing rights, a proportionate share, to be determined by the Commissioner, of the rent received for the whole. R. S. O, 1887, c. 32, s. 17. Control of fishing rights pertaining to granted lands may be.

13. It shall be lawful for the Commissioner, or any officer thereto authorized by him, to grant permits to fish in any waters adjoining or covering Crown lands not under lease, for a period not exceeding one month, upon such terms, and subject to such restrictions and conditions as shall be provided by order of the Lieutenant-Governor in Council or as may be contained in the permit. R. S. O. 1887, c. 32, s. 18. Fishing permits.

14. Any fishery lease, or fishing license, or permit, held by any person convicted of any contravention of this Act or of any regulations made as aforesaid, may be annulled and cancelled by the Commissioner, and thereupon such person shall forfeit all his rights and privileges under such lease, license or permit, and shall not be entitled to, or have any claim or right to any indemnity or compensation in respect thereof. R. S. O. 1887, c. 32, s. 19. Cancellation of leases, etc.

15. A fishery lease shall entitle the lessee to institute in his own name, any action or proceeding against any person unlawfully trespassing upon, damaging or invading, the rights, property, premises or privileges, granted or demised by the lease and also to sue for and recover any damages sustained by him as such lessee. R. S. O. 1887, c. 32, s. 20. Lessee to have right of action for trespass.

16. Every lessee shall be answerable for damage done to the lands in the lease described and the timber growing thereon, or on adjoining lands, either by himself or his agents, or any person under his control, either from waste or from want of sufficient precaution in lighting, watching over or extinguishing fires; and it shall be incumbent on every lessee in case of damage caused by fire, to prove that all such precautions have been taken. R. S. O, 1887, c. 32, s. 21. Liability of lessee for damage to lands included in lease.

17. If any person, without permission of the lessee or his representative, fishes, or employs or induces another person to engage or assist in fishing, within the limits included in a fishery lease, or removes or carries away, or employs or induces or assists another person to remove or carry away any fish caught or taken within such limits, he shall not acquire any right to the fish so caught or taken, but the same shall be forfeited and become the absolute property of the lessee, and such Fishing within limits of fishing lease without permission of lessee prohibited.

person shall therefor, and upon conviction thereof, incur and pay a penalty of not less than five dollars or more than twenty dollars with costs, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county within which the offence was committed for a period not exceeding one month; and the lessee or any person by him authorized, and any fishery overseer may on view forthwith seize and remove any net, article, apparatus or appliance so used in fishing or to assist in fishing contrary to the provisions of this section, to be afterwards dealt with according to law; provided always, that the occupation of any fishing grounds or waters leased for the express purpose of net fishing, shall not interfere with, nor prevent, angling for other purposes than those of sale or traffic. R. S. O. 1887, c. 32, s. 26.

Part II.

Appointment of fishery overseers.

18. The Lieutenant-Governor in Council may appoint fishery overseers, whose duties shall be defined by this Act, and the regulations made under it, and every overseer so appointed, and having taken the oath of office prescribed by this Act, shall be, *ex officio*, a Justice of the Peace for all the purposes of this Act, and of any regulations made under authority thereof, within the county or district or territory for which he is appointed to act as such overseer. R. S. O. 1887, c. 32, s. 11.

Oath of overseer.

19. Every fishery overseer shall, before acting as a Justice of the Peace under this Act, take and subscribe the following oath;—"I, A. B., a fishery overseer in and for the (district or territory) described in my appointment, do solemnly swear, that, to the best of my judgment, I will faithfully, honestly and impartially, fulfil, execute and perform, the office and duty of such overseer, according to the true intent and meaning of *The Ontario Fisheries Act*, and of all regulations made, or to be made thereunder, So help me God." R. S. O. 1887, c. 32, s. 12.

Regulations may be made by the Lieutenant-Governor in Council.

20.—(1) So far as the Legislature of Ontario has authority so to enact, the Lieutenant-Governor-in-Council may, from time to time, make regulations, and may, from time to time, vary, amend, alter or repeal, all and every such regulation, as may be found necessary, or deemed expedient, for the better management and regulation of Crown Lands, leased under the operations of this Act, or of regulations made thereunder, and the fishing rights thereto pertaining, or of any fishing license which may be made or granted, by virtue of this Act, or of said regulations; and to prevent the destruction of fish, and to forbid fishing, in any waters within the Province, except under authority of a fishing lease, or fishing license or permit, and

for the preservation of fish and fisheries in Provincial waters and for the purpose of carrying the provisions of this Act into effect, and all regulations so made, shall have the same force and effect as if herein contained and enacted, and every offence against any such regulations may be stated as having been made in contravention of this Act.

(2) The publication of any regulation in the *Ontario Gazette* shall be sufficient notice to give legal effect to the same; and the production of a copy of the paper purporting to be the *Ontario Gazette* and containing any such regulations, shall, so far as the Legislature of Ontario has authority so to enact or direct, be admitted in all courts as sufficient evidence of such regulations. R. S. O. 1887, c. 32, s. 13.

Provisions as to setting apart of waters for natural or artificial propagation of fish.

21. The Commissioner may authorise to be set apart, and to be leased, any waters for the natural or artificial propagation of fish, and any person who wilfully destroys or injures any place so set apart, or used, for the propagation of fish therein, without written permission from a fishery overseer, or from the lessee or licensee thereof, or uses therein a fishing light, or other like implement for fishing, during the period for which the waters are so set apart, shall, for every offence, incur and pay, a fine not exceeding $100, with costs, and in default of immediate payment of such fine and costs, shall be imprisoned in the common gaol of the county wherein the offence was committed, or in which the conviction was made, for a period not exceeding three months. R. S. O. 1887, c. 32, s. 24.

Commissioner may grant permission to obtain fish, etc., for certain purposes.

22. Nothing contained in this Act shall preclude the granting by the Commissioner of written permission to obtain fish and fish spawn, for the purpose of stocking or artificial breeding, or for scientific purposes, subject always to any regulations or restrictions, made or prescribed, by or under any lawful authority, in that behalf. R. S. O. 1887, c. 32, s. 25.

Number of bass which may be taken by tourist in one day.

23. No tourist or summer visitor shall take, catch or kill in any Provincial water, or carry away, a greater number than one dozen black, or Oswego, or large mouthed bass caught or taken in such waters upon any one day. 55 V. c. 10, s. 5.

Small bass to be returned to water.

24. Any summer tourist who shall take or catch in such waters black, or Oswego, or large mouthed bass of less than ten inches in length, shall forthwith return the same to the water without unnecessary injury. 55 V. c. 10, s. 6.

Number of brook trout which may be taken in one day.

25. No person shall take or catch or kill in any Provincial waters, or carry away, a greater number than fifty speckled or brook trout on any one day, or more speckled or brook trout, than, in the aggregate, weigh more than fifteen pounds, on any one day. 55 V. c. 10, s. 7.

Trout under five inches to be returned to water.

26. No person shall, in such waters, kill, or retain, or carry away, any speckled or brook trout of less than five inches in length. But when any such trout of a length less than five inches shall be taken or caught, the same shall be forthwith returned to the water by the person taking or catching the same, without unnecessary injury. 55 V. c. 10, s. 8.

Certain fish to be caught by hook and line only.

27. No person shall, at any time, fish for, catch or kill, speckled trout or brook trout, bass, pickerel (doré), maskilonge or muscallonge, in such waters, by other means than angling with hook and line in such waters. 55 V. c. 10, s. 9.

Use of nets and snares prohibited without license.

28. No person shall fish for, take, catch or kill from, or in, such waters, lake trout, salmon trout, whitefish, sturgeon or any other kind of fish which inhabit said waters, or attempt so to do, with any kind of net, seine or snare, rack, trap or weir, or night or set line, or fish in any such inland waters therewith, for other kind of fish, without first having obtained a license, signed by the Commissioner, or by a fishery overseer duly authorized to grant such license, under a penalty for the first offence of not less than $10 or more than $50, and for a second or subsequent offence of not less than $20, or more than $100. But this section shall not apply to mullett, or suckers, or pike while they are running where fished for or taken under a permit issued by the Commissioner. 55 V. c. 10, s. 10.

Catching fish in fishways, mill heads, etc.

29. No person shall fish for, catch, take, kill or molest fish in such waters, when passing, or attempting to pass through any fish-way or fish-pass, or when surmounting any obstacle or leaps; nor use any invention to catch, kill or molest fish in the mill-heads and water-courses appurtenant thereto. 55 V. c. 10, s. 11.

Use of explosives prohibited.

30.—(1) No person shall use dynamite or any other explosive, or any poison, for the purpose of destroying or taking fish, in or from, said waters, under a penalty of $100 and two months' imprisonment in the county or district goal for each offence.

(2) No person shall use lime or other injurious substance for the purpose of injuring, killing or taking fish, in or from, said waters, under a penalty of $50 and imprisonment not exceeding three months in the county or district gaol in default of payment. 55 V. c. 10, s. 12, sub-s. 2.

Penalty for fishing, etc. during close season.

31.—(1) No person shall fish for, catch, take or kill in such waters any kind or species of fish during the "close season," as by law or regulation the same is fixed or determined, for or in respect of that particular kind or species of fish, or buy, sell or have in his possession, at any time after the expiration of five days from the beginning of the close season in any year, any of such kinds or species of fish caught in such

waters, under a penalty of not less than $10 nor more than $30, and a further penalty of $1 for each fish so caught or taken or found in possession after the expiration of such five days. 55 V. c. 10, s. 13.

Fish and Game Commissioners to have supervision of Fisheries.

32. The Fish and Game Commissioners who may be hereafter appointed, shall have a general oversight or supervision over the fisheries of the Province, subject to any existing Acts of the Legislature, and to such regulations as shall, from time to time, be made by the Lieutenant-Governor in Council. But nothing herein contained, nor the appointment of such Commissioners, or the assignment of duties to them, shall abrogate or interfere with, the powers and authority conferred upon the Lieutenant-Governor or the Lieutenant-Governor in Council, or the Commissioner, by this Act. 55 V. c. 10, s. 15.

Powers and duties of Commissioners.

33. Subject to such regulations, such Fish and Game Commissioners shall examine, or cause to be examined, dams and all other obstructions existing in rivers and streams flowing over or upon the lands of the Crown, and prescribe the necessity of fishways, and the location, form and capacity thereof, examine into, and report upon, the best methods of introducing and disseminating valuable species of fish into waters where they do not exist, and of protecting and increasing, the production of such valuable species as are to be found in the waters of the Province, and may cause experiments to be made, and spawn to be placed in suitable waters, and may re-stock streams with fish suitable for food, or for scientific purposes, and may take and employ such means for the purposes aforesaid, as may be required by such general regulations as shall be approved of by the Lieutenant-Governor. 55 V. c. 10, s. 16.

Fishways to be made where the Commissioner directs.

34.—(1) Every dam, slide or other obstruction across or in any stream where the Commissioner determines it to be necessary for the public interest that a fish pass should exist, shall be provided by the owner or occupier with a durable and efficient fishway, which shall be maintained in practical and effective condition, in whatever place, and of whatever form and capacity will admit of the passage of fish through the same, and the place, form and capacity of the fish-way may be prescribed by any fishery overseer by notice in writing.

Penalty for violation.

(2) Every one who violates the foregoing provisions of this section shall incur a penalty of $4 for each day during which any such obstruction remains unprovided with a fishway, after three days notice in writing to the owner or occupier thereof.

Commissioner may pay half the cost.

(3) Fishways shall be kept open and unobstructed and shall be supplied with a sufficient quantity of water to fulfil the purpose of this Act, during such times as are required by any fishery officer; the Commissioner may authorize the payment of one-half of the expense incurred by such owner or occupier in constructing and maintaining any fishway.

Commissioner may construct and recover the cost

(5) The Commissioner, in order to procure the construction of any fishway, pending the proceedings against any owner or occupier for the penalty imposed by this Act, or by any regulations made under the authority of this Act, may give directions to make and complete the same forthwith, and may authorize any person to enter upon the premises with the necessary workmen, means and materials; and may recover from the owner or occupier the whole expense so incurred, by action in any Court of competent jurisdiction.

Not to be obstructed.

(6) No person shall injure or obstruct any fishway, or do anything to deter or hinder fish from entering, ascending or descending the same, or injure or obstruct any authorized barrier. R. S. O. c. 95, s. 13.

Obstruction of passage of fish prohibited.

35. No net or other device, shall be so used as entirely to obstruct the passage of fish to or from any of the Provincial waters by any of the ordinary channels connecting such waters, or to prevent their passage to or from accustomed resorts for spawning and increasing their species. R. S. C. c. 95, s. 14, sub-s. 5.

Part III.

Right of passage.

36. In the discharge of his duties, every fishery overseer and every person by him accompanied, or authorised for that purpose, may enter upon, and pass through, or over, private property, without being liable for trespass. R. S. O. 1887, c. 32, s. 10. sub-s. 2.

Remuneration of overseers, etc.

37. The remuneration of the fishery overseers, and of all other persons employed to perform any duty imposed by this Act, or by the regulations made under it, shall be determined by the Lieutenant-Governor in Council, and shall be paid out of moneys derived under the provisions of this Act, or appropriated for that purpose, by vote of the Legislative Assembly. R. S. O. 1887, c. 32, s. 14.

Waters in certain cases may be reserved from lease.

38. It shall be lawful for the Lieutenant-Governor in Council, upon the recommendation of the Commissioner, to reserve from lease or license, for one or more years, for purposes of improvement any waters, the exclusive right of fishing in which is within the meaning of section 2 of this Act.

Lease of waters in Indians allowed to fish.

39. The Commissioner may appropriate, and license or lease, certain waters in which certain Indians shall be allowed to catch fish for their own use, in whatever manner, and at whatever time, and subject to whatever terms and conditions, are specified in the license or lease. R. S. O. c. 32, s. 23.

40. Such annual or other reports of the fishery overseers as the Lieutenant-Governor from time to time directs, shall be laid before the Legislative Assembly. R. S. O. 1887, c. 32, s. 32. Certain reports to be laid before the Legislature.

41.—(1) The Lieutenant-Governor in Council may, by regulation, provide for the issue of licenses, free of charges, to frontier settlers in any of the said districts or in any new part of the Province, or to any Indians residing on any reserve, or to any band of Indians residing on a reserve, to take fish in such waters, other than speckled or brook trout, or black or other bass, by net or night or set line, with not more than five set lines, exclusively for use and consumption by their own families, and any settler or other person to whom such license issues who shall sell or barter fish caught under such licenses shall be subject to the penalty provided by section 48, and to forfeiture of his license. 55 V. c. 10, s. 14, sub-s. 1. Licenses to settlers and Indians.

(2) Provided, nevertheless, that no thing herein contained, shall prejudicially affect any rights specially reserved to, or conferred upon Indians by any treaty or regulation in that behalf made by the Government of Canada, nor shall anything herein apply to, or prejudicially affect, the rights of Indians, if any, in any portion of the Province as to which their claims have not been surrendered or extinguished. 55 V. c. 10, s. 14, sub-s. 2.

42. Such Fish and Game Commissioners shall also examine into the workings of the fishery laws and direct prosecutions of offences against the same, and report annually to the Lieutenant-Governor, and perform any other duties which may be prescribed by law or regulation. 55 V. c. 10, s. 17. Commissioners to direct prosecutions and to report.

43. Fish artificially propagated or maintained, shall be the property of the person propagating or maintaining them, and sections 23 to 27 (both inclusive) of this Act shall not apply thereto. 55 V. c. 10, s. 18. Property in fish artificially propagated.

44. Whoever, without permission of the proprietor, fishes in that portion of a pond, stream or other water in which fish are lawfully cultivated, owned and maintained, by a private owner or lessee, shall render himself liable to a fine of not less than $5, and not more than $20, and to a further penalty in each case of $1, for each fish taken. 55 V. c. 10, s. 19. Penalty for fishing in private waters

45. The 'Commissioner' may take, or authorize, or cause to be taken, fish at any time, and in any manner, for purposes connected with fish culture or scientific observation. 55 V. c. 10, s. 20. Fish taken for scientific purposes.

Buying, selling or having fish in close season prohibited.

46. No one shall, without lawful excuse (the proof whereof shall lie on him), buy, sell or possess any fish, or portion of any fish, caught or killed in Provincial waters, at a time, or in a manner prohibited by law. R. S. C. c. 95, s. 12, sub-s. 1.

Exc'usive right to fish in navigable waters only by express grant thereof.

47. The grant by patent, legal construction or implication of the bed of any navigable water, or of any lake or river in Ontario, whether such patent has been issued before or after the passing of this Act, shall not, unless such exclusive right of fishing is expressly granted by such patent, be deemed to carry or include the exclusive right of fishing in the navigable waters which cover or flow over the land so granted, any statute, law, usage or custom to the contrary notwithstanding.

Part IV.

Penalty for contravention of Act where no special penalty.

48. If any of the provisions of this Act, or of any regulations made under the authority thereof by the Lieutenant-Governor in Council, are contravened, and no other penalty is herein provided for such contravention, the person guilty of such contravention shall, on conviction thereof, incur and pay a fine of not less than $10, or more than $50, with costs of prosecution, and in default of immediate payment of such fine and costs, shall be imprisoned in the common gaol of the county within which the offence was committed, for a period not exceeding one month. R. S. O. 1887, c. 32, s. 27.

Separate offences.

49. Contravention on any day of any of the provisions of this Act, or of any regulation made under the authority thereof, by the Lieutenant-Governor in Council, shall constitute a separate offence, and may be punished accordingly. R. S. O. 1887, c. 32, s. 28.

Provisions with respect to summary proceedings.

50. The following provisions shall have effect with respect to summary proceedings for offences, fines and penalties under this Act:—

(1) The information or complaint shall be laid within three months after the commission of the offence.

(2) The description of an offence, in the words either of this Act, or of any regulations made by authority thereof, or in any similar words, shall be sufficient in law.

(3) Any exception, exemption, proviso, excuse or qualification, whether or not it accompanies the description of the offence in this Act, or in any regulation made by authority thereof, may be proved by the defendant, but need not be specified or negatived in the information or complaint, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant or complainant.

(4) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a Court of summary jurisdiction, against which a person is authorized to appeal, shall not be removed by certiorari or otherwise, either at the instance of the Crown or of any private person, into the High Court, except for the purpose of the hearing and determination of a special case.

(5) Whenever it shall appear, to the satisfaction of the convicting Magistrate, that an offence against this Act, or any regulation made thereunder, has been committed in ignorance of the law, and that, because of the poverty of the offender, the fine or penalty imposed would be oppressive, a discretionary power may be exercised.

(6) Any Fishery Overseer or Magistrate may, on view, or otherwise, convict for any offence against the provisions of this Act, or of any regulation made thereunder, and shall instantly capture and detain, or destroy, all seines, or nets, or other materials and articles illegally set or in use which are shown to have been illegally in use.

(7) Where any offence under this Act is committed in, upon, or near, any waters forming the boundary between different counties or districts, such offence may be prosecuted before any Magistrate or Fishery Overseer, for either of such contiguous counties or districts. R. S. O. 1887, c. 32, s. 29.

Application of fines.

51.—(1) One-half of every fine or penalty imposed by virtue of this Act, shall belong to Her Majesty, for the uses of the Province, and the remaining half shall be paid to the prosecutor, together with any costs which he may have incurred; every fine, penalty or forfeiture imposed by this Act, or by any regulations made thereunder, may be recovered, on parol complaint, before any Fishery Overseer, or before any one of Her Majesty's Justices of the Peace in and for the county or district where the fine or penalty was incurred, or the offence was committed or wrong done, and in cities towns and villages in which there is a Police Magistrate, before such Police Magistrate, on the oath of the credible witness.

(2) All seines, nets, or other materials, apparatus, or appliances used, and all fish had or taken in contravention of this Act, or any regulation made thereunder, shall be confiscated to Her Majesty, for the uses of the Province, and may be seized and confiscated or destroyed on view, or otherwise, by any Fishery Overseer, or by any person authorized by him, or taken and removed, by any person, for delivery to any Magistrate or Fishery Overseer, and the proceeds thereof shall belong to Her Majesty, for the uses of the Province, and may be applied towards defraying expenses incurred under the provisions of this Act; but nothing in this subsection contained shall apply to any forfeiture of fish under the provisions of section of this Act.

(3) The moiety of every fine or penalty belonging to Her Majesty for the uses of the Province, and all proceeds derived from the sale of articles confiscated to Her Majesty under this Act, shall be paid over to the Treasurer of the Province through the Commissioner, and shall be applied towards the expenses incurred in carrying out the provisions of this Act.

(4) Persons aggrieved by such conviction or confiscation may appeal, by petition, to the Commissioner, who shall have power to remit fines and penalties, and restore forfeitures, under this Act. R. S. O. 1887 c. 32, s. 30.

Certain Acts to apply to prosecutions under this Act Rev. Stat. c. 74

52. Save where otherwise provided by this Act, all the provisions and forms of the Act intituled, *An Act respecting summary convictions before Justices of the Peace and appeals to General Sessions*, and amendments thereto, shall apply as far as they may be applicable, to all prosecutions and proceedings under this Act, where not inconsistent with this Act, except on proceedings on appeal, and the practice and procedure upon and with respect to appeals and all proceedings thereon and thereafter, shall be governed by *The Act respecting the procedure on Appeals to the Judge of a County Court from summary convictions*, and amendments thereto. R S. O. 1887, c. 32, s. 31.

Rev. Stat. c. 75.

Who may be prosecutor or complainant.

53. Any person may be the prosecutor or complainant in prosecutions under this Act, and it shall be the duty of every Fishery Overseer and Fire and Wood Ranger, constable and peace officer, and every Game and Deputy Game Warden, to aid in the observance of the provisions of this Act, and in bringing offenders to justice. 55 V. c. 10 s. 22.

Commital on non-payment of fine.

Hard labor.

54. In default of the payment of any penalty imposed by this Act, and costs, by any person convicted of any offence under this Act, the offender may be committed to the common gaol of the district or county where the offence was committed for a period not exceeding three months, unless the penalty and costs, and the costs and charges of the commitment, and carrying the defendant to prison, are sooner paid, and the amount of such costs and charges of commitment and carrying the offender to prison are to be ascertained and stated in the warrant or commitment. 55 V. c. 10 s. 23

Evidence

55.—(1) Upon the hearing of any information or complaint exhibited, or made, under this Act, the person giving or making the information or complaint shall be a competent witness, notwithstanding such person may be entitled to part of the pecuniary penalty on the conviction of the offender. 55 V. c. 10, s. 24.

(2) On the trial of any complaint, proceeding, matter or question under this Act, the person opposing, or defending, or who is charged with any offence against or under any of the

provisions of this Act, shall be competent and compellable to give evidence in or with respect to such complaint, proceeding, matter or question, and on any such trial no person, witness or party shall be excused from answering any question upon the ground that the answer to such question may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or any other person; provided, however, that no evidence so given shall be used or receivable in evidence against such person in any criminal proceeding thereafter instituted against him, other than a prosecution for perjury in giving such evidence. 51 V. c. 36, s. 3 (19.)

Who may hear and determine complaints when penalty is less than $50.

56. All prosecutions for the punishment of any offence under this Act, for which offence the penalty does not exceed the sum of $50, and imprisonment or imprisonment at hard labor in default of payment thereof, and of the costs, may take place before any Fishery Overseer, Stipendiary or Police Magistrate, or one or more of Her Majesty's Justices of the Peace having jurisdiction in the county or district in which the offence is committed. 55 V. c. 10, s. 25.

Who may hear complaints in other cases.

57. All prosecutions for the punishment of any offender under this Act, other than those in the next preceding section mentioned, may take place before any Stipendiary or Police Magistrate, or any two or more of Her Majesty's Justices of the Peace having jurisdiction in the county or district in which the offence was committed, or before any of such Justices and any Fishery Overseer. 55 V. c. 10, s. 26.

Rev. Stat. c. 32, and 55 V. c. 10, repealed.

58. The Acts of the Legislature of Ontario, chapter 32 of the Revised Statutes of Ontario, 1887, entitled *The Ontario Fisheries Act*, and chapter 10 of the Acts passed in the 55th year of Her Majesty's reign, being *An Act for the Protection of the Provincial Fisheries*, and all laws inconsistent with the provisions of this Act, are hereby repealed.

Commencement of Act.

59. This Act shall go into effect on such day as the Lieutenant-Governor in Council may by proclamation appoint, and not before.

No. 87.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Fisheries of Ontario.

First Reading, 24th February, 1897

THE ATTORNEY-GENERAL.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 88.] BILL. [1897.

Act to amend The Electric Railway Act, 1895.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsections 5 and 6 of section 4 of *The Electric Railway Act, 1895*, is amended by inserting after the word "town" wherever it occurs in said subsections the words "or incorporated villages." 58 V. c. 331, s. 4, subss. 5 and 6 amended.

No. 88.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

Act to amend The Electric Railway Act, 1895.

First Reading, 25th February, 1897.

Mr. GERMAN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 89.] **BILL.** [1896.

An Act to amend The Public Schools Act, 1896.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 4 of section 89 of *The Public Schools Act, 1896*, is amended by inserting therein after the word "districts" in the first line thereof the words, "and in the Provisional County of Haliburton." 59 V. c. 70, s. 89, subs. 4, amended.

No. 89.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Public Schools Act, 1896.

First Reading, 25th February, 1897.

Mr. CARNEGIE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 90.] BILL. [1897.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sub-section 1 of section 76 of *The Consolidated Assessment Act, 1892*, is amended by adding thereto the following proviso: 55 V. c. 48, s. 76, subs. 1. amended.

"Provided, however, that in case there are three Judges in the county in which the local municipality lies, such appeal shall be heard by the three judges of the county, instead of by the County Court Judge and two others brought in from adjoining counties: Provided, also, that in the case of any appeal to three Judges under this subsection there shall be an appeal from them to the Court of Appeal." Appeals where large amounts involved.

No. 90.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Assessment Act.

First Reading, 25th February, 1897.

Mr. CRAWFORD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 91.] **BILL.** [1897.

An Act to amend The County Councils Act, 1896.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The County Councils Act, 1896*, is amended by inserting therein the following, as section 18*a*: 59 V. c. 52, amended.

18*a*. All county councillors shall *ex-officio* be Justices of the Peace for the whole county or union of counties in which their respective divisions lie, and no county councillor after taking the oaths or making the declarations as such shall be required to have any property qualification or to take any further oath to enable him to act as a Justice of the Peace. County councillors to be justices of the peace.

No. 91.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The County Councils Act, 1896.

First Reading, 25th February, 1897.

Mr. MATHESON.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 92.] BILL. [1897.

An Act to amend The Ontario Architects' Act.

Preamble.

WHEREAS, The Ontario Association of Architects was duly incorporated by the Act passed by the Legislature of the Province of Ontario, in the 53rd year of Her Majesty's reign, chaptered 41; and whereas the said association have, by their petition, represented that the said Act is ineffectual for the purposes intended, and that there is good reason to believe that if the title "Architect" were restricted to those who qualify for practice under the provisions thereof, the said Act would become fully operative and fulfil its intended purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

53 V. c. 41, ss. 22, 23, 24, 25 repealed.

1. Sections 22, 23, 24 and 25 of the Act passed in the 53rd year of Her Majesty's reign, chaptered 41, are hereby repealed and the following sections substituted therefor:—

Persons practising at time of passing of Act.

22.—(1) Any person now practising the profession of architecture within this province may become a member of the association by causing his name to be registered with the registrar of the association within three months from the coming into force of this Act, and by paying to the registrar such fee as may be made payable in that behalf, subject to the proviso hereinafter contained.

(2) In case any such person as aforesaid omits to be registered within said period of three months, through absence, illness, or inadvertence, such person may, at the discretion of the council, be admitted to enrolment as an architect.

Qualifications for registration.

23. Any person who applies for admission to registration as an architect after the coming into force of this Act, shall be not less than twenty-one years of age, and shall have served as a student not less than five years with a principal or principals entitled to register under this Act, or with any other principal or principals, whether resident or practising in Canada or elsewhere, approved by the council and shall have passed such qualifying examinations as may be prescribed by this Act.

Entering students on register.

24.—(1) All students desirous of entering the profession of architecture shall be presented by a member of the council and shall cause their full names to be entered with the registrar, and shall pay such fees and submit to such examinations as shall be prescribed by the council: provided, that any person who, before the passing of this Act, was entered as a student for a shorter term than five years, but not less than three years, with a principal or principals qualified to be registered under this Act, or with any other principal or principals approved by the council shall, on serving the full term of his indenture and passing the examinations prescribed by the council, be entitled to register under this Act.

(2) Notice and evidence of existing studentship shall be given to the registrar within six months after the passing of this Act and shall be accompanied with such fee as the council shall, by regulation, direct, and with properly executed articles of indenture for the said term.

(3) Any person who has graduated from the Ontario School of Practical Science shall be required to serve only three years as a student, one of which three years may be served during the vacations of such school.

(4) Upon and after the passing of this Act students shall serve such term as is required to be served by the provisions of this Act, under articles of apprenticeship, to a registered architect, which articles and any assignment thereof, with affidavit and execution thereto attached, shall be filed with the registrar upon payment of such fee as the council may by regulation direct, but no principal shall demand of, or receive from, any student any premium or money consideration whatever as a condition of accepting such student as an apprentice.

Using word "Architect" as title.

25. From and after the first day of July, 1897, no person shall be entitled to take or use the name or title of "architect" either alone or in combination with any other word or words, or any name, title or description implying that he is registered under this Act, unless he be so registered. Any person who, after the above date, not being registered under this Act, takes or uses any such name, title or description as aforesaid, shall be liable on summary conviction to a fine not exceeding $25 for the first offence, and not exceeding $100 for each subsequent offence.

Fees.

25*a*. The fees which the council shall be empowered by this Act to impose shall be fixed by the Lieutenant-Governor in Council, and shall be for the following purposes only :—

(*a*) For registration as a student.

(*b*) For each assignment of articles.

(*c*) For each examination.

(*d*) For registration as an architect.

(*e*) For the annual fee of members.

Act incorporated with 53 V. c. 41.

7. This Act shall be read as part of *The Ontario Architects' Act*.

No. 92.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Ontario Architects' Act.

First Reading, 25th February, 1897.

Mr. GARROW.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No 93.] **BILL.** [1897.

An Act further to Improve the License Laws.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

NUMBER OF LICENSES.

1. Subsection 1 of section 18 of *The Liquor License Act* is repealed and the following substituted therefor:— Rev. Stat., c. 194, s. 18, subs. 1 repealed.

18.—(1) The number of tavern licenses to be granted in the respective municipalities shall not in each year be in excess of the following limitations:—In cities, towns and incorporated villages respectively— Number of tavern licenses to be issued in municipalities.

(*a*) For the first 250 of the population one tavern license.

(*b*) For each full 250 of the population above the first 250 one tavern license but not more than three such licenses shall be granted for the first 1,000 of the population.

(*c*) For each full 600 over the first 1,000 of the population one tavern license.

(*d*) But the preceding parts of this section shall not apply to county towns having a population of 2,500 or less.

In no case however shall this limit authorize any increase in any municipality in excess of the number of licenses issued therein for the year ending 1st day of May, 1897, until it appears from any census of Canada, or any census subsequently taken, as provided by the *Liquor License Act*, hereafter made that the population of the municipality has increased since the taking of the general census of 1891, so that in the opinion of the license commissioners a larger number has become necessary, and in no case shall a number of tavern licenses be granted in excess of the number limited by clauses *a*, *b*, *c* and *d* of this subsection. When only number may be increased.

Rev. Stat., c. 194, s. 19, subs. 1 amended.

2. Subsection 1 of section 19, of the said Act is amended by striking out the words:—

Limit of number to be issued after new census.

"and the limit for the number of licenses shall thereafter "upon each such new census, be one for each full 250 of the "population under 1,000, and one for each 500 over 1,000 of "the population."

Rev. Stat., c. 194, s. 20, subs. 1 repealed.

3. Subsection 1 of section 20 of the said Act is repealed and the following substituted therefor:—

By-laws limiting number of tavern licenses.

20.—(1) The council of every city, town, village or township may, between the first day of January and the first day of March in any year, pass a by-law fixing the number of tavern licenses within the limits imposed by this Act to be issued therein for each of the three license years commencing on the first day of May of the following calendar year or such year thereafter as shall be specifically fixed in and by the by-law, and such by-law shall not be amended or repealed and no other by-law limiting the number of tavern licenses to be issued in the municipality shall be passed until after the first day of January in the third license year during which the said by-law shall be in force, and then only if passed before the first day of March in such year, and such amending or repealing by-law shall not take effect until the expiration of the period limited by the by-law so amended or repealed as aforesaid, and in the event of no amending or repealing by-law being passed as aforesaid the number of licenses in such municipality shall continue to be limited as provided in the by-law last limiting the number thereof.

SHOPS IN NEW DISTRICTS.

Rev. Stat., c. 194, s. 33, subs. 1 amended.

4. Subsection 1 of section 33 of the said Act is amended by adding thereto the following:

Sale of cigars, cigarettes and tobacco in shops in districts.

Nothing in this subsection shall prevent the holder of a shop license in the new Districts of Nipissing, Algoma, Thunder Bay or Rainy River or in the northern part of the County of Renfrew from keeping and selling cigars, in unbroken packages of not less than fifty cigars or fifty cigarettes, or five pounds of tobacco, to be taken away, and not to be used or consumed upon the premises.

SALES BY DRUGGISTS.

Rev. Stat., c. 194, s. 52, subs. 1 repealed.

5. Subsection 1 of section 52 of the said Act is hereby repealed and the following substituted therefor:—

Sale of liquor by chemists or druggists.

(1) Nothing in sections 49 and 50 of this Act contained shall prevent chemists and druggists duly registered as such under and by virtue of *The Pharmacy Act* from keeping for sale or from selling liquors for strictly medicinal purposes in packages of not more than six ounces at any one time, under

a bona fide prescription from a registered medical practitioner duly signed by him. And it shall be the duty of such chemist or druggist to record in a book to be kept for that purpose, and which shall be open to the inspection of the license commissioners and inspectors, every sale or other disposal by him of liquor sold under and forming an ingredient in such prescription; and such record shall show as to every such sale or disposal the time when, and the person to whom the same was made, the quantity sold and the prescription of such medical practitioner, and in default of such sale or disposal being so placed on record, every such sale shall be held to be in contravention of the provisions contained in said sections 49 and 50 of this Act.

Record of sales.

6. Subsection 2 of said section 52 is amended by striking out the words "or be lawfully obtained" in the third and fourth lines, and by striking out the words "in quantities of more than six ounces" in the fourth and fifth lines of said subsection.

Rev. Stat., c. 194, s. 52, subs. 2 amended.

HOURS.

7. *The Liquor License Act* is amended by inserting therein the following section as section 54a:

Rev. Stat., c. 194, amended.

54a.—(1) No sale or other disposal of intoxicating liquors shall take place in any place where the said liquors are or may be sold by wholesale or retail or on the premises thereof or out of or from the same to any person whomsoever between the hour in townships, villages and unorganized territory, of ten of the clock, and in cities and towns of eleven of the clock in the evening of any day of the week, and the hour of six of the clock in the forenoon of the following day, save and except in cases where a requisition for medical purposes, signed by a licensed medical practitioner, or by a Justice of the Peace, is produced by the vendee or his agent; nor shall any such liquors, whether sold or not, be permitted or allowed to be drunk in any such place during the time prohibited by this section for the sale of the same, except by the occupant or some member of his family or lodger in his house.

Hours in which liquor not to be sold.

(2) This section shall not be construed to affect any regulation heretofore made by a Board of License Commissioners, under the powers conferred upon such Board by section 4 of this Act, save as mentioned in the following proviso; Provided that any such regulation, whether made before or after the enactment of this section, which permits the sale or other disposal of liquor after the hour in townships, villages and unorganized territory, of ten of the clock, and in cities and towns of eleven of the clock in the evening and before the hour of six of the clock in the forenoon of the following day shall be void, and of no effect.

Regulations heretofore made, how affected.

(3) Nothing in this section shall apply to or affect section 54 of the said Act.

Section not to apply to Saturday and Sunday closing.

SALES TO MINORS.

Rev. Stat., c. 194, s. 76, repealed.

8. Section 76 of the said Act is repealed and the following substituted therefor:—

When liquor not to be sold to person under 21.

76.—(1) Any licensed person who allows to be supplied in his licensed premises by purchase or otherwise any description whatever of liquor to any person apparently under the age of twenty-one years, of either sex, who is not resident on the premises or a bona fide guest or lodger, shall as well as the person who actually gives or supplies the liquor be liable to pay a penalty of not less than $10 and not exceeding $50 and costs for every such offence.

Meaning of a guest.

(2) The word "guest," where it occurs in this section, shall not include any person who resorts to licensed premises merely for the purpose of procuring intoxicating liquor, but shall mean and include a regular boarder at such premises, or any person not being a resident of the municipality in which the licensed premises are situate, who is registered at such premises, and is there in good faith for the purpose of procuring for money, and who does so procure, food or other tavern accommodation for himself, or for himself and other persons, or for himself and any horse or other animal.

MUNICIPALITIES UNDER LOCAL OPTION BY-LAWS.

Municipalities in which local option by-laws are in force to share expenses of enforcing laws.

10.—(1) The council of every municipality in which a by-law passed under the authority of section 18 of the *Act to Improve the Liquor License Laws*, passed in the 53rd year of Her Majesty's reign, chapter 56, and the Acts amending the same, is in force and which forms part of a license district in which *The Liquor License Act* is in force shall pay a just share of the expenses of enforcing the provisions of the said last mentioned Act in the license district of which the said municipality forms a part.

How share to be estimated.

(2) Such share shall be separately estimated and determined by the Board of License Commissioners subject to the approval of the Provincial Treasurer, and shall if approved by the Provincial Treasurer be paid by the municipality into the license fund of the license district of which the said municipality forms a part.

Matters to be considered in determining share.

(3) In determining such share the license commissioners shall take into account with other circumstances as far as may be the proportion of the expenses of the district incurred in the said municipality.

Certain provisions of Rev. Stat., c. 194, to apply.

(4) Subject to subsections 1, 2 and 3 of this section, sections 141, 142, 143, 144, 145, 146, 148, 149, and 152 of *The Liquor License Act*, relating to municipalities in which Part II. of *The Canada Temperance Act* is in force, shall, *mutatis mutandis*, apply and be in force

with respect to every municipality in which a by-law has been passed under section 18 of the said *Act to improve the Liquor License Laws* as if such municipalities were expressly mentioned in the said sections in the same manner as municipalities in which the said Part II. of *The Canada Temperance Act* is in force.

Issue of licenses after repeal of local option by-law.

11.—Where a by-law passed under section 18 of the said Act to *Improve the Liquor License Laws*, has been in force in any municipality and is subsequently repealed, the number of tavern licenses which may in the year following such repeal be issued in the municipality, until a by-law is passed reducing such number, shall be limited as provided by sub-section 1 of section 18 of *The Liquor License Act*, as amended by this Act.

SALOON LICENSES ABOLISHED.

Saloon licenses not to be granted after 1899.

12.—(1) After the 30th day of April, 1899, no tavern license shall be issued to any saloon, tavern, or other premises not having all the tavern accommodation required by law, except as hereinafter provided.

Reduction of number of saloon licenses in 1898.

(2) For the license year commencing on the 1st day of May, 1898, in every municipality in which there are premises exempt by resolution of the Board of License Commissioners from having all the tavern accommodation required by law, the Board may, by resolution, designate one-half in number (or if the number of such premises is an odd number then the even number next lower than one-half) of such premises to which tavern licenses may be issued for the said year, and no such license shall be issued to any premises not so designated, and not having all the tavern accommodation required by law. Provided that nothing in this subsection contained shall apply to any municipality in which there is but one applicant for a license to premises of the class hereinbefore described.

Rev. Stat., c. 194, s. 4, par. 3, repealed.

(3) From and after the 30th day of April, 1899, the paragraph numbered 3 of section 4 of *The Liquor License Act* shall be repealed.

Proviso.

(4) Provided nevertheless that the provisions of this section shall not apply to any eating house at a railway station for or to which a license has heretofore been granted and which is at the time of the passing of this Act duly licensed.

PETITION AGAINST RENEWAL OF LICENSE IN RESIDENTIAL LOCALITY.

Number of petitioners required.

12.—(1) Notwithstanding anything in *The Liquor License Act* contained, a petition, signed by not less than 100 persons, being at least three-fifths in number of the electors in any polling subdivision, may be presented to the Board of

License Commissioners for any city praying that any tavern license issued for premises situate in the said polling subdivision be not renewed, on the ground that the locality in which the same are situate is a residential and not a business locality.

Board to determine nature of locality.

(2) The Board of License Commissioners, by resolution to be passed within one week after the receipt of the petition and upon being satisfied that the provisions of subsections 3 and 4 have been complied with, shall determine whether or not the said licensed premises are situate in residential and not a business locality, and if the Board decide in the affirmative, the license for such premises shall not be renewed after the expiration of the next ensuing license year; nor shall any other license in lieu thereof be granted to premises situate in the same locality, so long as the same is a residental locality.

Notice of petition and proof of service and publication.

(3) One month's notice in writing, setting forth the substance of the petition and signed by at least ten electors resident in the polling subdivision shall be personally served upon the owner, and (if the owner is not also the occupant) upon the occupant of the licensed premises, and shall be published at least once a week for two successive weeks in some daily newspaper published in the city. The service and publication of the said notice shall be proved by statutory declaration to be annexed to the petition.

Time for presenting petition.

(4) The petition shall be presented within two months after the service of the notice and before the 15th day of March in the year in which the notice was served, and there shall be annexed thereto a certificate under the hand of the City Clerk and the seal of the corporation, setting forth that he has examined the petition and that there are subscribed thereto the names of at least three-fifths of the whole number of electors in the polling subdivision. The signatures to the petition shall also be verified by the statutory declaration of an attesting witness.

When board decide in the negative.

(5) If the Board by their said resolution, decide that the said premises are not situate in a residential locality, no petition under this section against the renewal of a license for the premises petitioned against, shall be received or acted upon until after the expiration of three years from the date of the first publication of notice as hereinbefore set forth.

Other rights and powers not affected.

(6) Nothing in this section contained, shall affect any power which the Board of License Commissioners may have under the said Act, to cancel any license or refuse the renewal thereof, or shall affect any right of petition given by the said Act in respect of licenses.

Meaning of "electors."

(7) The word "Electors," where it occurs in this section shall mean all persons whose names are entered on the last revised voters' list of the municipality as entitled to vote in

the polling sub-division at elections for the Legislative Assembly, and such persons as are resident in such polling sub-division and are named in the l st list prepared under *The Manhood Suffrage Registration Act.*

CANCELLATION OF LICENSE ON CERTIFICATE OF MAGISTRATE OR COURT.

Certificate that licenseholder cognizant of offence.

13.—(1) In every case of a conviction for an offence against section 54 of *The Liquor License Act*, or section 8 of this Act, or against any rules or regulations of the Board of License Commissioners made by virtue thereof, if upon the evidence the convicting magistrate, or in case an appeal is had, the judge by whom the case is finally disposed of, shall find that the holder of a license issued under the said Act was personally a party or privy to the offence, or connived thereat, the magistrate or court, as the case may be, shall at the request of the inspector or other person conducting the prosecution, certify such finding in writing to the Board of License Commissioners.

Cancellation of license after three certificates in one year.

(2) After three several convictions for an offence against either of said sections, or against the rules and regulations aforesaid, within a period of one year, whether the offence in respect of which the said convictions were made, were the same or different in character, so long as the convictions were for informations laid and offences committed on different days, and certificates as aforesaid are given with respect to the same license holder, the Board of License Commissioners shall by resolution declare that the license held by him is cancelled and revoked, and thereupon such license shall become inoperative and void, and the licensee shall thereafter for the full period of three years be disqualified from obtaining or holding any further or other license under the said Act. Provided that nothing in this section contained shall affect the liability to forfeiture of a license in any other case provided for by the said Act, nor relieve the offender from any other penalty imposed by the said Act.

Proviso.

MISCELLANEOUS AMENDMENTS.

Rev. Stat. c. 194, s. 3, amended. Term of office of commissioners.

14. Section 3 of *The Liquor License Act* is amended by inserting after the word "year" in the 7th line thereof, the words "or until a new Board or a majority thereof has been appointed."

Rev. Stat. c. 194, s. 8, amended. Time for issuing wholesale licenses.

15. Subsection 2 of section 8 of the said Act is amended by striking out the words "and licenses by wholesale may be issued between the first and last days of May in each year."

Rev. Stat. c. 194, s. 11, sub-s. 1, amended. Granting of license on petition.

16. Subsection 1 of section 11 is amended by striking out the words "by the applicant" in the fourth line thereof.

Rev. Stat. c. 194, s. 11, sub-s. 13 1, amended. Decision of Board on petition against license.

17. Subsection 13 of section 11 of the said Act is amended by inserting after the word "board" in the first line thereof the words "in regard to any such petition."

53 V. c. 56, s. 1, amended. Fee of clerk on scrutiny of petition.

18. Paragraph (*a*) of subsection 14 of the said section 11 as amended by section 1 of the Act passed in the 53rd year of Her Majesty's reign chaptered 56, is amended by adding at the end thereof the words "and for such certificate the said clerk shall be entitled to a fee of $1 payable by the person or persons demanding such scrutiny."

53 V. c. 56, s. 1, amended. Form of clerks' certificates.

19. Paragraph (*b*) of the said subsection 14 is amended by striking out the words "unorganized districts" in the first line, and inserting in lieu thereof the words "localities not under municipal organization."

Rev. Stat. c. 194, s. 19, sub-s. 2, amended. Determining population for license purposes.

20. Subsection 2 of section 19 of *The Liquor License Act* is amended by inserting after the word "place" in the sixth line the words "or to the enumeration or census on which the municipality was so altered or formed."

Rev. Stat. c. 194, s. 22, amended. Time for issuing beer and wine licenses.

21. Section 22 of the said Act is amended by striking out the words "before the 1st day of May in any year," in the second line, and inserting the same words after the word "may" in the fourth line.

Rev Stat. c. 194, s. 38, sub-s. 1, repealed. Permit for removal.

22. Subsection 1 of section 38 of the said Act is repealed and the following substituted therefor:

(1) Any inspector may, after resolution of the license commissioners allowing the same, and subject to the provisions of subsection 14 of section 11, of the said Act, issue to the holder of any license or his assigns or legal representatives, in the Form poovided by the Provincial Treasurer, a permit to remove from the house or premises to which his license applies to another house or premises to be described in the endorsement to be made by the inspector on the license and situate within the same municipality, and possessing all the accommodation required by law.

Rev. Stat. c. 194, s. 38, sub-s. 2, amended. Effect of permit.

23. Subsection 2 of the said section 38 is amended by striking out the words "when the approval of the inspector is endorsed on the license" in the first and second lines of the said subsection.

Rev. Stat. c. 194, s. 40, amended. Death of licensee.

24. Section 40 of the said Act is amended by inserting after the word "license" where it first occurs in the ninth line, the words "or to his legal representatives."

25. Subsection 2 of section 46 of the said Act is repealed. Rev Stat. c 194, s. 46, sub-s. 1, repealed.

26. Subsection 1 of section 49 of the said Act is amended by adding at the end thereof the words "Subject to the provisions of section 37 of the said Act, and pending the proceedings therein mentioned, no penalty shall be incurred under this section by the heirs, executors or assigns, of any licensed person who dies before the expiration of his license, or by the trustee of any licensed person who is insolvent, or whose affairs are in process of liquidation, during the currency of his license, in respect of the sale or exposure for sale of any intoxicating liquors covered by his license, so that such sale or exposure for sale be made in the premises specified in such license and in the quantities therein authorized." Application of penalties. Rev Stat. c. 194, s. 49, sub-s. 1, amended. Carrying on business after death or insolvency of licensee.

27. Subsection 3 of said section 54 is amended by adding at the end thereof the words "besides costs." Rev. Stat. c. 194, s. 54, sub-s. 3, amended. Penalty for Sunday sales.

28. Section 56 of the said Act is amended by adding at the end thereof the words "and in default of payment thereof, the defendant may be imprisoned for a period not exceeding thirty days." Rev. Stat. c. 194, s. 56. Penalty for being unlawfully in bar-rooms, etc.

29. Section 118 of the said Act is amended by striking out the word "said" in the third line of subsection 1, and by inserting the word "justice" before the word "justices" in lieu thereof, and also by inserting the word "justice" before word "justices" wherever the word "justices" appears in subsections 3 and 4 of the said section. Rev. Stat, c. 194, s. 118, mentioned. Entering into recognizance on appeals.

30. Section 120 of the said Act is amended by striking out the words "or the General Sessions" in the first line, and by inserting the words "to the General Sessions" after the words "Act or" in the second line; and by inserting the words "to the General Sessions" after the word "appeal" in the 10th line thereof. Rev. Stat. c. 194, s. 120, amended. Costs on appeals.

31. Section 134 of the said Act is amended by inserting after the figures "$10" in the eighth line, the words "besides costs." Rev. Stat. c. 194, s. 134, amended. Neglect of duty by officers.

No. 93.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act further to Improve the License Laws.

First Reading, 25th February, 1897.

Mr. HARCOURT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No 93.] **BILL.** [1897

An Act further to Improve the License Laws.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

NUMBER OF LICENSES.

1. Subsection 1 of section 18 of *The Liquor License Act* is repealed and the following substituted therefor:— Rev. Stat., c. 194, s. 18, subs. 1 repealed.

18.—(1) The number of tavern licenses to be granted in the respective municipalities shall not in each year be in excess of the following limitations:—In cities, towns and incorporated villages respectively— Number of tavern licenses to be issued in municipalities.

(*a*) For the first 250 of the population one tavern license.

(*b*) For each full 250 of the population above the first 250 one tavern license but not more than three such licenses shall be granted for the first 1,000 of the population.

(*c*) For each full 600 over the first 1,000 of the population one tavern license.

(*d*) But the preceding parts of this section shall not apply to county towns having a population of 2,500 or less.

In no case however shall this limit authorize any increase in any municipality in excess of the number of licenses issued therein for the year ending 1st day of May, 1897, until it appears from any census of Canada, hereafter made or any census subsequently taken, as provided by the *Liquor License Act*, that the population of the municipality has increased since the taking of the general census of 1891, so that in the opinion of the license commissioners a larger number has become necessary, and in no case shall a number of tavern licenses be granted in excess of the number limited by clauses *a*, *b*, *c* and *d* of this subsection. When only number may be increased.

Rev. Stat., c. 194, s. 19, subs. 1 amended.

Limit of number to be issued after new census.

2. Subsection 1 of section 19, of the said Act is amended by striking out the words :—

"and the limit for the number of licenses shall thereafter "upon each such new census, be one for each full 250 of the "population under 1,000, and one for each 500 over 1,000 of "the population."

Rev. Stat. c. 164, s. 20 repealed.

3. Section 20 of *The Liquor License Act* is repealed and the following substituted therefor :—

By-law limiting number of licenses

20.—(1) The council of every city, town, village or township may, by by-law to be passed after the first meeting of the council and before the first day of March in any year limit the number of tavern licenses to be issued for the then next ensuing license year beginning on the 1st day of May, and for any future license year until such by law is altered or repealed, provided such limit is within the limit imposed by this Act, and every such council may also by another by-law to be passed within the same period prohibit the sale of liquor on licensed premises after an earlier hour in the evening or before a later hour in the morning than those prescribed in section 54 of *The License Act*, or in section 54*a* of the said Act, or in any regulation of the board of license commissioners in force in the municipality at the time of the passing of the by-law.

Certified copy of by-law to be sent to Board.

(2) The council shall cause a certified copy of any by-law passed under this section to be sent immediately after the passing thereof to the board of license commissioners for the district in which the municipality is situate.

Notice of application for by-law in cities and towns.

(3) A by-law shall only be passed under this section by any city or town after a notice signed, in the case of cities by at least 100 municipal electors, and in the case of towns by at least 50 municipal electors, resident in the municipality, has been deposited with the clerk of the municipality on or before the 15th day of November notifying him that application will be made to the council of the succeeding year between its first meeting and the 15th day of February to pass a by-law for limiting the number of tavern licenses to be issued therein for the next ensuing license year, or for shortening the hours in which liquor may be sold in licensed hotels or shops in the municipality.

Form of notice.

(4) the notice mentioned in the preceding subsection may be in the form or to the effect following :

MUNICIPALITY OF

TAKE NOTICE that we, the undersigned electors of , resident within the municipality, or other person or persons, will request the council of the said municipality of next year to pass a by-law limiting the number of tavern licenses that may be issued in the municipality for the next ensuing license year [*or* for shortening the hours in which liquor may be sold in licensed hotels and shops in the municipality, *as the case may be*].

Witness :

A. B. (Place of residence.)
C. D. do
Etc., etc., etc.

And the signatures to every such notice shall be verified by statutory declaration of an attesting witness.

(5) The clerk shall, upon receipt of the said notice, cause an advertisement thereof to be published at least once a week for two successive weeks in some newspaper published in the municipality. Notice to be advertised.

SHOPS.

4. Subsection 1 of section 33 of the said Act is amended by adding thereto the following: Rev. Stat., c. 194, s. 33, subs 1 amended.

Nothing in this subsection shall prevent the holder of a shop license from keeping and selling cigars, in unbroken packages of not less than fifty cigars or fifty cigarettes, or five pounds of tobacco, to be taken away, and not to be used or consumed upon the premises. Sale of cigars, cigarettes and tobacco in shops. Rev. Stat., c. 194, s. 52, subs. 1 repealed.

5 Section 2 of *The Liquor License Act* is amended by striking out paragraph 3 thereof and substituting the following: Rev. Stat., c. 194, s. 2, amended.

3. "Shop license" shall mean a license for selling, bartering or trafficking by retail in such liquors in shops, stores, or places other than inns, ale or beer houses or other houses of public entertainment, in quantities of not less than three half pints, or if sold in unbroken packages, not less than one-half pint, at any one time, to any one person, and at the time of sale to be wholly removed and taken away in the said quantities of not less than three half pints or one half pint at a time, as the case may be. "Shop licenses" meaning of.

SALES BY DRUGGISTS.

6. Subsection 1 of section 52 of the said Act is hereby repealed and the following substituted therefor:—

(1) Nothing in sections 49 and 50 of this Act contained shall prevent chemists and druggists duly registered as such under and by virtue of *The Pharmacy Act* from keeping liquors for sale for strictly medicinal purposes or from selling liquors for strictly medicinal purposes in packages of not more than six ounces at any one time, or from selling for strictly medicinal purposes any mixture containing liquors mixed with any other drug or medicine in packages of not more than one pint at any one time, but in either case only under a bona fide prescription of such liquor or mixture duly signed by a legally qualified medical practitioner. And it shall be the duty of such chemist or druggist to record in a book to be kept for that purpose, and which shall be open to the inspection of the license commissioners and inspectors, every sale or other disposal by him of liquor sold under and forming an ingredient in such prescription; and such record shall show as to every such sale or disposal the time when, and the person to whom the same was made, the quantity sold and the prescription of such medical practitioner, and in default of such sale or disposal being so Sale of liquor by chemists or druggists. Record of sales.

placed on record, every such sale shall be held to be in contravention of the provisions contained in said sections 49 and 50 of this Act.

Rev. Stat., c. 194, s. 52, subs. 2 amended.

7. Subsection 2 of said section 52 is amended by striking out the words "or be lawfully obtained" in the third and fourth lines, and by striking out the words "in quantities of more than six ounces" in the fourth and fifth lines of said subsection.

Rev. Stat. c. 194, s. 52, amended.

8. The said section 52 is further amended by adding thereto the following subsection:

Selling liquor with other beverages.

(7) Any chemist or druggist who sells or otherwise disposes of any liquor to be consumed on the premises as a beverage, or with soda water, seltzer: apollinaris, ginger ale, ginger beer, sarsaparilla, or any aerated, mineral or effervescent drink, shall be liable to the penalties imposed by section 70 of this Act.

HOURS.

Rev. Stat., c. 194, amended.

9. *The Liquor License Act* is amended by inserting therein the following section as section 54a:

Hours in which liquor not to be sold

54a.—(1) No sale or other disposal of intoxicating liquors shall take place in any place where the said liquors are or may be sold by wholesale or retail, or on the premises thereof or out of or from the same to any person whomsoever between the hour in townships, villages and unorganized territory, of ten of the clock, and in cities and towns of eleven of the clock in the evening of any day of the week, and the hour of six of the clock in the forenoon of the following day, or such earlier hour in the evening and such later hour in the morning as may be fixed by by-law of the municipality passed under section 3 of this Act save and except in cases where a requisition for medical purposes, signed by a licensed medical practitioner, or by a Justice of the Peace, is produced by the vendee or his agent; nor shall any such liquors, whether sold or not, be permitted or allowed to be drunk in any such place during the time prohibited by this section for the sale of the same, except by the occupant or some member of his family or lodger in his house.

Regulations heretofore made, how affected.

(2) This section shall not be construed to affect any regulation heretofore made by a Board of License Commissioners, under the powers conferred upon such Board by section 4 of this Act, save as mentioned in the following proviso; Provided that any such regulation, whether made before or after the enactment of this section, which permits the sale or other disposal of liquor after the hour in townships, villages and unorganized territory, of ten of the clock, and in cities and towns of eleven of the clock in the evening and before the hour of six of the clock in the forenoon of the following day shall be void, and of no effect.

(3) Nothing in this section shall apply to or affect section 54 of the said Act except as to any by-law which may be passed under section 3 of this Act. Section not to apply to Saturday and Sunday closing.

10. Section 76 of the said Act is repealed and the following substituted therefor:— Rev. Stat. c. 154, s. 76 repealed.

☞76.—(1) Any licensed person who allows to be supplied in his premises, by purchase or otherwise, any description of liquor whatever, to any person of either sex, apparently or to the knowledge of the licensed person or of the person supplying such liquor, under the age of twenty-one years, shall, as well as the person who actually gives or supplies the liquor, be liable to a penalty of not less than $10 and not exceeding $50, besides costs, for every such offence. Liquor not to be supplied to minors.

(2) No liquor shall be so supplied by any society, association or club mentioned in section 53 of this Act, or by any other club, corporation or association which sells or supplies liquors solely to the members thereof, nor by any member officer or servant of any such society, club, corporation or association, nor by any person resorting thereto, to any person of either sex, apparently or to the knowledge of the person supplying such liquor, under the age of twenty-one years, and any person violating the provisions of this subsection shall be liable to a penalty of not less than $10 and not exceeding $50, besides costs, for every such offence. Liquor not to be supplied in clubs, etc.

(3) The provisions of the preceding subsection shall apply to every such society, club, corporation or association, whether the same is authorized or entitled by its Act of incorporation or charter, or otherwise, to sell and dispense liquors or to traffic in the same solely with its own members or otherwise. No club or association to supply liquor to minors.

(4) Any licensed person who, without proper cause, suffers or permits any person of either sex, apparently or to the knowledge of such licensed person under the age of twenty-one years, unaccompanied by his or her parent or guardian, and not being a resident on the premises *of such licensed person* or a *bona fide* lodger or boarder, without good and sufficient reason, to linger or loiter in or about any bar-room or other room *on such premises* in which liquor is dispensed, shall for every such offence be liable to a penalty of not less than $2 and not exceeding $10, besides costs, and any such person so lingering or loitering as aforesaid without good and sufficient cause, and who is not a resident on the premises or a *bona fide* lodger or boarder, or who is not accompanied by his or her parent or guardian, shall also be liable to a penalty of not less than $2 and not more than $10, besides costs.☜ Minors loitering in bar rooms, etc.

11.—Where a by-law passed under section 18 of the *Act to Improve the Liquor License Laws*, passed in the 53rd year of Her Majesty's reign chaptered 56, has been in force in any municipality and is subsequently repealed, the number of tavern licenses which may in the year following such repeal be Issue of licenses after repeal of local option by-law.

issued in the municipality, until a by-law is passed reducing such number, shall be limited as provided by sub-section 1 of section 18 of *The Liquor License Act*, as amended by this Act.

SALOON LICENSES ABOLISHED.

Saloon licenses not to be granted after 1899.

12.—(1) After the 30th day of April, 1899, no tavern license shall be issued to any saloon, tavern, or other premises not having all the tavern accommodation required by law, except as hereinafter provided.

Reduction of number of saloon licenses in 1898.

(2) For the license year commencing on the 1st day of May, 1898, in every municipality in which there are premises exempt by resolution of the Board of License Commissioners from having all the tavern accommodation required by law, the Board may, by resolution, designate one-half in number (or if the number of such premises is an odd number then the even number next lower than one-half) of such premises to which tavern licenses may be issued for the said year, and no such license shall be issued to any premises not so designated, and not having all the tavern accommodation required by law. Provided that nothing in this subsection contained shall apply to any municipality in which there is but one applicant for a license to premises of the class hereinbefore described.

Rev. Stat., c. 194, s. 4, par. 3, repealed.

(3) From and after the 30th day of April, 1899, the paragraph numbered 3 of section 4 of *The Liquor License Act* shall be repealed.

Proviso.

(4) Provided nevertheless that the provisions of this section shall not apply to any eating house at a railway station for or to which a license has heretofore been granted and which is at the time of the passing of this Act duly licensed.

LICENSES IN NEIGHBORHOOD OF CHURCHES AND SCHOOLS.

Licenses not to be granted to premises within 300 feet of church or school.

13 No license shall hereafter be granted under the provisions of *The Liquor License Act* for the sale of liquor upon any premises, for which a license has not heretofore been granted within 300 feet of a building occupied exclusively as a church, or as a high school, public school, separate school, university, college or other public educational institution.

PETITION AGAINST RENEWAL OF LICENSE IN RESIDENTIAL LOCALITY.

Petition against renewal of license in residential locality.

14. Notwithstanding anything in *The Liquor License Act* contained, a petition signed by not less than seventy-five persons, being at least a majority in number of the electors in any polling subdivision, may be presented to the board of license commissioners for any city, praying that any tavern license issued for premises situate in the said polling subdivision be not renewed, on the ground that the locality in which the same are situate is a residential and not a business locality.

(2) Before such petition is circulated or signed, any ten persons, being electors resident in the polling subdivision may apply in writing signed by them to the board of license commissioners, requiring the board to decide whether or not such premises are situate in a residential and not a business locality. Requisition to board to decide as to nature of locality.

(3) Notice of such application shall be personally served upon the owner (and if the owner is not the occupant, also upon the occupant) of such licensed premises at least two weeks before the application is delivered to the Board. Service of notice.

(4) The Board of License Commissioners, upon proof by statutory declaration of the service of the notice of application, shall, by resolution to be passed within one week after receiving the application, determine whether or not such licensed premises are situate in a residental and not in a business locality, and if the Board decide in the affirmative, the petition may be presented as hereinbefore provided. Decision of board.

(5) At least one month before any petition is presented under this section, a notice in writing setting forth the substance of the petition, signed by at least ten electors resident in the polling sub-division shall be personally served upon the owner of such licensed premises, and (if the owner is not also the occupant, then) upon the occupant also of such licensed premises, and such notice shall, before the petition is presented, be published at least once a week for two successive weeks in some daily newspaper published in the city. Notice of petition.

(6) Service and publication of the notice shall be proved by statutory declaration attached to the petition. Proof of service.

(7) The petition shall be presented within two months after the service of notice of the intention to present the same and before the 1st day of April in the year in which such notice was served, and there shall be annexed thereto a certificate under the hand of the clerk and seal of the corporation, setting forth that he has examined the petition and that there are subscribed thereto the names of at least a majority of the whole number of the electors in the polling subdivision. When petition to be presented.

(8) The signatures of the petition shall also be verified by the statutory declaration of at least one attesting witness. Proof of service.

(9) The Board of License Commissioners shall meet within one week after the receipt of the petition, and upon being satisfied that the provisions of the preceding sub-sections have been complied with, shall by resolution declare that the license for such premises shall not be renewed after the expiration of the next ensuing license year, and such license shall not be renewed, nor any other license in lieu thereof be granted to premises in the same locality, so long as the same is a residential locality. Consideration of petition—resolution of board.

(10) Nothing in this section contained shall affect any powers which the Board of License Commissioners may have under the said Act to cancel any license or refuse the renewal Other powers of board not affected.

thereof, or shall affect any right of petition given by the said Act in respect of a license.

"Electors" meaning of.

(11.) The word "electors" where it occurs in this section, shall mean and include all persons whose names are entered on the last revised voters list of the municipality, as entitled to vote at municipal elections.

CANCELLATION OF LICENSE ON CERTIFICATE OF MAGISTRATE OR COURT.

Certificate that license-holder *personally guilty or* cognizant of offence.

15.—(1) In every case of a conviction for an offence against section 54 of *The Liquor License Act*, or section 9 of this Act, if upon the evidence the convicting magistrate, or in case an appeal is had, the judge by whom the case is finally disposed of, shall find that the holder of a license issued under the said Act was personally a party or privy to the offence, or connived thereat, the magistrate or court, as the case may be, shall at the request of the inspector or other person conducting the prosecution, certify such finding in writing to the Board of License Commissioners.

Cancellation of license after three certificates in *two years*.

(2) After three several convictions for an offence against either of said sections, within a period of *two years*, whether the offence in respect of which the said convictions were made, were the same or different in character, so long as the convictions were for informations laid and offences committed on different days, and certificates as aforesaid are given with respect to the same license holder, the Board of License Commissioners shall by resolution declare that the license held by him is cancelled and revoked, and thereupon such license shall become inoperative and void, and the licensee shall thereafter for the full period of three years be disqualified from obtaining or holding any further or other license under the said Act. Provided that nothing in this section contained shall affect the liability to forfeiture of a license in any other case provided for by the said Act, nor relieve the offender from any other penalty imposed by the said Act.

Proviso.

MISCELLANEOUS AMENDMENTS.

Rev. Stat. c. 194, s. 3, amended. Term of office of commissioners.

16. Section 3 of *The Liquor License Act* is amended by inserting after the word "year" in the 7th line thereof, the words "or until a new Board or a majority thereof has been appointed."

Rev. Stat. c 194, s. 8, amended. Time for issuing wholesale licenses.

17. Subsection 2 of section 8 of the said Act is amended by striking out the words "and licenses by wholesale may be issued between the first and last days of May in each year."

18. Subsection 1 of section 11 is amended by striking out the words "by the applicant" in the fourth line thereof. Rev. Stat. c. 194, s. 11, sub-s. 1, amended.

19. Subsection 13 of section 11 of the said Act is amended by inserting after the word "board" in the first line thereof the words "in regard to any such petition." Granting of license on petition.

20. Paragraph (*a*) of subsection 14 of the said section 11 as amended by section 1 of the Act passed in the 53rd year of Her Majesty's reign chaptered 56, is amended by adding at the end thereof the words "and for such certificate the said clerk shall be entitled to a fee of $2 payable out of the license fund." Rev. Stat. c. 194, s. 11, sub-s. 13 1, amended. Decision of Board on petition against license. 53 V. c. 56, s. 1, amended. Fee of clerk on scrutiny of petition.

21. Paragraph (*b*) of the said subsection 14 is amended by striking out the words "unorganized districts" in the first line, and inserting in lieu thereof the words "localities not under municipal organization." 53 V. c. 56, s. 1, amended. Form of clerks' certificates.

22. Subsection 2 of section 19 of *The Liquor License Act* is amended by inserting after the word "place" in the sixth line the words "or to the enumeration or census on which the municipality was so altered or formed." Rev. Stat. c. 194, s. 19, sub-s. 2, amended. Determining population for license purposes.

23. Section 22 of the said Act is amended by striking out the words "before the 1st day of May in any year," in the second line, and inserting the same words after the word "may" in the fourth line. Rev. Stat. c. 194, s. 22, amended. Time for issuing beer and wine licenses.

24. Subsection 1 of section 38 of the said Act is repealed and the following substituted therefor: Rev. Stat. c. 194, s. 38, sub-s. 1, repealed. Permit for removal.

(1) Any inspector may, after resolution of the license commissioners allowing the same, and subject to the provisions of subsection 14 of section 11, of the said Act, issue to the holder of any license or his assigns or legal representatives, in the Form provided by the Provincial Treasurer, a permit to remove from the house or premises to which his license applies to another house or premises to be described in the endorsement to be made by the inspector on the license and situate within the same municipality, and possessing all the accommodation required by law.

25. Subsection 2 of the said section 38 is amended by striking out the words "when the approval of the inspector is endorsed on the license" in the first and second lines of the said subsection. Rev. Stat. c. 194, s. 38, sub-s. 2, amended. Effect of permit.

26. Section 40 of the said Act is amended by inserting after the word "license" where it first occurs in the ninth line the words "or to his legal representatives." Rev. Stat. c. 194, s. 40, amended. Death of licensee.

Rev. Stat. c. 194, s. 46, sub-s. 1, repealed. Application of penalties.

27. Subsection 2 of section 46 of the said Act is repealed.

Rev. Stat. c. 194, s. 49, sub-s. 1, amended. Carrying on business after death or insolvency of licensee.

28. Subsection 1 of section 49 of the said Act is amended by adding at the end thereof the words "Subject to the provisions of section 57 of the said Act, and pending the proceedings therein mentioned, no penalty shall be incurred under this section by the heirs, executors or assigns, of any licensed person who dies before the expiration of his license, or by the trustee of any licensed person who is insolvent, or whose affairs are in process of liquidation, during the currency of his license, in respect of the sale or exposure for sale of any intoxicating liquors covered by his license, so that such sale or exposure for sale be made in the premises specified in such license and in the quantities therein authorized."

Rev. Stat. c. 194, s. 54, sub-s. 3, amended. Penalty for Sunday sales.

29. Subsection 3 of said section 54 is amended by adding at the end thereof the words "besides costs."

Rev. Stat. c. 194, s. 56. Penalty for being unlawfully in bar-rooms, etc.

30 Section 56 of the said Act is amended by adding at the end thereof the words "and in default of payment thereof, the defendant may be imprisoned for a period not exceeding thirty days."

Rev. Stat, c. 194, s. 118, mentioned. Entering into recognizance on appeals.

31. Section 118 of the said Act is amended by striking out the word "said" in the third line of subsection 1, and by inserting the word "justice" before the word "justices" in lieu thereof, and also by inserting the word "justice" before word "justices" wherever the word "justices" appears in subsections 3 and 4 of the said section.

Rev. Stat. c. 194, s. 120, amended. Costs on appeals.

32. Section 120 of the said Act is amended by striking out the words "or the General Sessions" in the first line, and by inserting the words "to the General Sessions" after the words "Act or" in the second line; and by inserting the words "to the General Sessions" after the word "appeal" in the 10th line thereof.

Rev. Stat. c. 194, s. 134, amended Neglect of duty by officers.

33. Section 134 of the said Act is amended by inserting after the figures "$10" in the eighth line, the words "besides costs."

No 93.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act further to Improve the License Laws.

First Reading, 25th February, 1897.

(Reprinted with proposed amendments.)

Mr. HARCOURT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 94.] BILL. [1897.

An Act to consolidate and amend the law respecting Building Societies and other Loan Corporations.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Loan Corporations Act.*

Interpretation.

2. Where the following words and expressions respectively occur in this Act, or in the schedules hereto, they shall be construed for purposes of this Act, in the manner hereinafter mentioned, unless a contrary intention appears:—

"Province."

(1) "Province" means the Province of Ontario;

"Law of the Province."

"Law of the Province" includes any law of the former Province of Canada, or of Upper Canada, continued as the law of Ontario, or consolidated or incorporated with the law of Ontario.

"Minister."

(2) "Minister" means the member of the Executive Council under whose direction this Act is administered.

"Registrar" or "Corporations Registrar."

(3) "Registrar," or "Corporations Registrar," means the officer appointed Registrar under this Act. 55 V. c. 39, s. 2 (3); Imp. 37-8 V. c. 42, s. 3.

"This Act."

(4) "This Act," includes any Act amending or consolidating this present Act, or incorporated therewith.

"Corporation" or "Loan corporation."

(5) "Corporation," or "Loan Corporation," includes every corporation, incorporated company, association or society (not being a chartered bank of Canada or an insurance corporation standing registered under the law of the Province), which is, or shall hereafter be constituted, or authorized, or operated, either under the law of the Province or otherwise, for the pur-

pose (solely, or conjointly with other purposes) of lending money on real estate, or investing money in real estate securities, or lending on or investing in other securities hereinafter mentioned, (whether the corporation so loans or invests as principal or as agent, or as legal representative, or as trustee or guardian, or guarantees such loan or investment); or for the purpose of aiding its members or others in acquiring real property, in making improvements thereon, or in removing incumbrances therefrom; or for the purpose of issuing terminating shares, or for the purpose of accumulating a fund to be returned to the holders of the terminating shares in specified cases. R. S. O. 1887, c. 169, ss. 1, 2 (1); 54 V. c. 38, secs. 3, 15, 23; R. S. O. 1887, c. 168, s. 1; 56 V. c. 30, s. 1; R. S. O. c. 157, s. 3, as amended by 56 V. c. 30, s. 2, and by 57 V. c. 47, s. 2; 58 V. c. 32, Schedule.

"Provincial corporation."

"Local loan corporation."

(6) "Provincial Corporation" means a loan corporation incorporated by the Province, and operated under the Act or instrument by virtue of which the corporation became so incorporated. "Local Loan Corporation" means such a Provincial loan corporation as is by the Act or instrument constituting it limited in its operations to a specified area of the Province.

"Non-provincial corporation."

(7) "Non-Provincial Corporation" means any loan corporation other than Provincial.

"Registered corporation."

(8) "Registered Corporation" means a loan corporation standing duly registered under this Act. 55 V. c. 39, s. 2 (6)

"Unregistered corporation."

(9) "Unregistered Corporation" includes any loan corporation not standing so registered, whether such corporation was never duly registered, or, having been so registered, lost such registry through non-renewal, suspension, revocation or cancellation. 55 V. c. 39, s. 2 (6).

"Head office."

(10) "Head Office" means the place where the chief executive officers of the corporation transact its business. 55 V. c. 39, s. 2 (20).

"Chief agency."

(11) "Chief Agency" means the principal office or place of business in the Province of a loan corporation which has its head office beyond the Province. 55 V. c. 39 s. 2 (21).

"Shares."

(12) "Shares" means shares of capital or stock, either permanent or terminating, and "shareholder" means any holder of such shares.

"Terminating stock," or "Terminating shares."

(13) "Terminating Stock." or "Terminating Shares," includes all stock or shares of capital which are liable to be withdrawn from or repaid by the corporation

"Permanent stock."

"Permanent shares."

(14) "Permanent Stock," or "Permanent Shares," includes all stock, or all shares of permanent or fixed capital not liable to be withdrawn from or repaid by the corporation.

(15) "Advanced Shares" means terminating shares on which a loan or advance has been made by the corporation issuing the shares; and "unadvanced" or "investment" shares means terminating shares on which no such loan or advance has been made by the corporation; and "investing member" or "investor" means a holder of unadvanced shares. "Advanced shares." "Unadvanced shares."

(16) "Real Estate" extends and applies to immovable estate and property generally. R. S. O. 1887, c. 169, s. 1 (4). "Real estate."

(17) "Securities" extends and applies to privileges, mortgages (equitable as well as legal), and incumbrances upon real and immovable estate, as well as to other rights and privileges upon personal estate and property. R. S. O. 1887, c. 169, s. 1 (4). "Securities."

(18) "By-laws" include regulations, rules and by-laws. "By-laws."

(19) "Due application" includes such information, evidence and material as shall be required; and also the payment to the Provincial Treasurer of the fees hereinafter prescribed in respect of any application, certificate or document required or issued by virtue of this Act. 55 V. c. 39, s. 2 (22). "Due application."

(20) "Upon proof," as applied to any matter connected with the registry of a corporation, or with the filing or registration of any matter or thing required by this Act to be filed or registered, means upon proof to the satisfaction of the proper officer. 55 V. c. 39, s. 2 (23). "Upon proof."

(21) "Appeal" includes every judicial revision or review of a decision, order, direction, determination, finding or conviction, and also includes every case stated or reserved, and every removal of proceedings by way of *certiorari* or otherwise. 58 V. c. 34, s. 2 (24). "Appeal."

INCORPORATION OF NEW COMPANIES.

3.—(1) After the passing of this Act, any application for the incorporation of any loan company shall be made by petition to the Lieutenant-Governor in Council through the Provincial Secretary upon such printed form or forms as shall from time to time be prescribed. Incorporation of loan companies.

(2) The applicants shall for one month next before filing their application with the Registrar publish a notice of their intended application in the *Ontario Gazette*, and shall also before the said filing give the like notice at least once in a newspaper published in the locality in which the head office of the corporation in Ontario is to be established. The said notice shall state the proposed corporate name, the location of the head office, the purposes of the corporation; also whether the corporation is to be constituted with permanent or with terminating stock, or both; and, if with permanent stock, for what amount authorization will be asked. Notice of application for incorporation.

Proviso.

Provided that the publication of notice may be dispensed with where this can be done without prejudice to public or private interests. (Cf. R. S. O. 1887, c. 157, s. 6.)

Application to include certain information.

(3) The application shall be deemed to include such information as shall be required either by the printed form or by any demand made by the Provincial Secretary for further information.

Application for incorporation to be accompanied by a declaration.

(4) The application shall be accompanied by the original, or one of the duplicate originals, of a declaration adopted in a general meeting of the promoters, and executed under their respective hands and seals by at least twenty-five persons present at the said meeting.

Contents of declaration.

(5) The declaration shall set out the names in full and the address and calling of each of the declarants and shall declare: that the said declarants assembled at on (*naming the place and time; naming also the chairman and the secretary of the meeting*) did there and then agree to constitute themselves a provisional loan corporation by the name of (*mentioning the proposed corporate name*) under the laws of the Province in that behalf, and under the proposed by-laws there and then adopted, and annexed to the declaration; also that the following persons, six in number (*naming them*) were elected provisional directors.

Reference of application to Registrar.

(6) The Provincial Secretary may refer any application or any question arising thereunder to the Registrar for a report, and the Registrar shall report thereon as required.

By-laws to accompany declaration and set forth certain particulars.

4. Three copies of the said proposed by-laws shall accompany the declaration (one copy duly certified being annexed thereto) and the said by-laws shall *inter alia* set forth the particular matters prescribed in Schedule A to this Act.

Minister may direct amendment of by-laws.

5. On receiving any application for incorporation or registry if the Minister finds in the by-laws of the applicant anything repugnant to this Act or to the public general law of the Province, he may direct an amendment of the by-laws; and, upon their being amended as directed and returned certified as having been so amended, the application may be proceeded with. 55 V. c. 39, s. 8 (2); 58 V. c. 34, s. 3 (5) s. 4; Imp. 37—8 V. c. 42, s. 17.

First directors of the corporation.

6. Where incorporation is granted, the provisional directors named in the declaration of the applicants shall *ipso facto* by virtue of the incorporation so granted, be the first directors of the corporation, and shall continue in office until their successors are elected pursuant to the by-laws of the corporation, and to the provisions of this Act. Cf. R. S. O. 1887, c. 156 s. 9.

7.—(1) When incorporation is granted it shall be by Letters Patent issued under and by virtue of this Act: and the Letters Patent shall set forth the name under which, and the date at which, the company became incorporated; the location of the head office; the amount of permanent capital stock (if any) authorized; whether or not the company is authorized to issue terminating stock or shares; the business to be undertaken by the company, distinguishing such business as in section 104; and if the incorporation is granted with limitation of time or area, such limitation, or limitations, shall be specified as enacted in section 8. Letters Patent of Incorporation; contents.

(2) There shall be the like authority to re-incorporate any loan corporation. In case of such re-incorporation the prior incorporation shall, as to this Province, be deemed to have been merged in and superseded by the said later incorporation, but without prejudice to obligations or contracts undertaken during the prior incorporation. R S. O 1887, c. 157 s. 3 (as amended by 56 V. c. 30 s. 2); 57 V. c. 48 s. 3. Re-incorporation.

8.—(1) Incorporation may be granted without limitation of time, or for any limited term of years not less than ten; and the Letters Patent of incorporation shall expressly state whether the incorporation is granted without limitation of time, or is granted for a limited term of years, and, in such latter case, shall specify the first and the last day of the term. Every certificate shall also state whether the incorporation is granted with or without power to issue terminating shares: Provided, that, whether incorporation is granted with or without limitation of time, if a body incorporated under this Act does not go into actual *bona fide* operation within two years after incorporation, or for two consecutive years does not use its corporate powers for the purpose set forth in the declaration required by section 3 of this Act, such non-user shall *ipso facto* work a forfeiture of the corporate powers except so far as necessary for winding up the corporation; and in any action or proceeding where such non-user is alleged, proof of user shall lie upon the corporation. 55 V. c. 39, s. 63; cf. R. S. O. 1887, c. 167, s. 7; c. 157, s. 70; R. S. C. c. 119, s. 83. Incorporation may be for a time limited or unlimited. Forfeiture of franchise of non-user.

(2) When incorporation has been granted for a limited term, application may, upon the same notice as required by section 3, be made on or before the expiry of the term, for the renewal or extension of the incorporation, and the incorporation may be renewed or extended either without limitation of time, or for a limited term; or may be refused. Renewal of terminating charter.

(3) In the case of any application for incorporation made after the passing of this Act where the applicant body by its by-laws takes power to issue terminating stock or shares the corporation created under this Act shall not have power to loan money or transact a loaning business or carry on its Limitation of area when terminating stock is to issue.

operations outside the limits of the county in which the corporation has its head office. A district or county or provisional county united with another county for judicial purposes shall be considered for purposes of this Act as a part of the county with which it is so united; but this subsection shall not apply to any loan corporation on the permanent stock of which has been paid in the sum of at least one hundred thousand dollars. 56 V. c. 31, s. 1; 59 V. c. 46, s. 1.

Limitation of space in certain other cases.

(4) Every company or society which after the first day of June, 1893, was incorporated under section 2 of chapter 169 of the Revised Statutes of Ontario, 1887, shall be deemed to be limited to the area prescribed by subsection 3 of this section. 56 V. c. 31, s. 1; 59 V. c. 46, s. 1.

Limitation of area to be specified in the certificate.

(5) Where incorporation is hereafter granted with limitation of area, such limitation shall be specified in the Letters Patent of incorporation.

First by-laws of corporation.

(6) The by-laws accompanying the declaration, with such amendments thereof as may have been required by the Minister, shall be the first by-laws of the corporation, and shall take effect and be in force from the date of the incorporation.

EXTENSION OF BUSINESS BEYOND THE PROVINCE.

Extension of business beyond the Province.

9.—(1) Where the existence or operations of the corporation are not by the Act or instrument constituting it, limited in time or area, the corporation, if constituted by the law of the Province, may in general meeting of the members having due notice of the by-law, pass a by-law authorizing its directors to extend the business of the corporation beyond the Province, but in compliance with the law of such foreign jurisdiction; and the directors may give effect to such by-law without being liable or responsible as for any breach of trust in so doing. R. S. O. 1887, c. 169, s. 21.

Erection or purchase of buildings required for use of corporation in the foreign jurisdiction.

(2) Where, as provided in the next preceding subsection, a Provincial corporation carries on business beyond the Province, the corporation may in general meeting of the members having due notice of the by-law pass a by-law authorizing the directors to invest the money of the corporation in the erection or purchase of buildings required for the occupation of the corporation in any place where the corporation is so carrying on business and within the limit (if any) authorized by the law of the foreign jurisdiction. R. S. O. 1887, c. 169, s. 22.

TERMINATING SHARES.

Issue of terminating shares.

10. Where a loan corporation, by virtue of this or any former Act, has authority to raise a fund or stock by means of terminating shares, the corporation may issue terminating shares of one or more denominations, either fully paid or prepaid stock, or to be paid by periodical or other subscriptions, and may repay such funds when no longer required for

the purposes of the corporation. The terminating shares shall not exceed the value of $400 for each share, and the subscription in payment thereof, shall not exceed $4 per month for each share; and the corporation may thereby create a stock or fund for the purpose of making loans or advances upon the securities authorized by the by-laws of the corporation and by this Act. R. S. O. 1887, c. 169, s. 2 (1); Imp. Act 37-8 V c. 42, s. 13.

Liability of holder upon terminating shares, unadvanced.

11. In any loan corporation whatever when terminating shares are issued, transferred or held in the Province, the liability of any holder of such shares, if no loan or advance has been made by the corporation thereon, shall be limited to the amount (if any) then in arrear upon such shares; the holder of such shares shall be released from all further or other liability thereon if he pays or tenders payment of the said amount to the corporation at its head office or chief agency in the Province; or if he sends to the corporation thereat in a registered letter a post office order, or a cheque accepted by a chartered bank of Canada, the order or cheque being for the said amount made payable to the corporation; and if with the said payment, tender, post office order or cheque he gives notice in writing to the corporation that he surrenders or abandons such terminating shares. In respect of any terminating shares upon which a loan or advance has been made by the corporation, the liability of the holder shall be limited to the amount payable thereon under any mortgage or other security, or under the by-laws of the corporation:

Liability of holder upon advanced shares.

Proviso: forfeiture of shares.

Provided that the directors may under the by-laws of the corporation declare forfeited to the corporation, the terminating shares of a holder who is in default, or who neglects or omits to pay the number of instalments on monthly subscriptions by the said by-laws prescribed; and in case of forfeiture so declared, a minute shall be made thereof on the Terminating Shares Register; or, instead of forfeiting the shares, the directors may recover the arrears by action; and if the amount in arrears does not exceed $40, the action may be brought in the Division Court of the division wherein the head office or chief agency of the corporation in the Province is situated. R. S. O. 1887, c. 169, secs. 63, 35, 36; 55 V. c. 39, s. 39; Imp. Act, 37-8 V. c. 42, s. 14.

Liability of corporation on terminating shares.

12. The liability of any registered loan corporation whatever in respect of terminating shares shall be limited to that portion of the shareholder's payments thereon which (under the by-laws of the corporation or the contract with the shareholder) is appropriated to the loan fund, together with the proportion of interest, profits, or earnings appertaining to such portion of his payments; and that portion of the shareholder's payments, which, under the said by-laws or contract is appropriated to the expense fund shall not be a liability of the corporation. R. S. O. 1887, c. 169, s. 56 (1):

Proviso as to interest or dividend on unmatured terminating shares.

Provided that except in the case of a member withdrawing his shares according to the by-laws of the corporation, no holder of terminating shares shall be entitled to receive from the funds of the corporation any interest or dividend by way of annual or other profit upon any such share until the amount or value of the share has been realized. R. S. O. 1887, c. 169, s. 37.

Shareholder whose terminating shares are paid up may receive or invest the amount; or may convert into permanent stock.

13.—(1) When any terminating share or shares in any loan corporation whatever have been fully paid up according to the by-laws of the corporation, or have become due or payable to the holder thereof, then and in such case the holder of the share or shares may either withdraw the amount of his share or shares from the corporation according to the by-laws thereof, or may with the consent of the corporation convert the amount of his withdrawable terminating share or shares into permanent shares or stock of the corporation, and receive in respect thereof periodically such proportion of the profits made by the corporation as may be declared by way of dividend, or as may be provided for by a by-law passed or to be passed for the purpose; and the amount of the terminating share or shares so converted shall become fixed and permanent capital or shares in the corporation, not withdrawable therefrom, but transferable in the same manner as other permanent shares in the corporation.

Directors may convert where shareholder after notice does not withdraw terminated shares;

(2) Where any loan corporation sends by post or delivers notice in writing addressed to a shareholder at his last known address, informing him that any terminating share or shares standing in his name have matured and become due or payable to him, and the shareholder does not within three months from delivery of the said notice, or from the date when in the ordinary course of post the notice would arrive at the post office of his address, withdraw the amount payable to him in respect of his shares, the directors may at their option convert the said terminating share or shares into permanent share or shares of the corporation, and the amount so converted shall thereupon cease to be a liability of the corporation.

or where terminating shares entitled to withdraw are in arrears.

(3) Where, under the by-laws of the corporation or the terms of his contract, a holder of terminating shares would be entitled (if all payments had been duly made in respect of his shares) to withdraw the money paid in by him with or without deduction or interest, but has not yet withdrawn the same, and his shares have not yet been fully paid and have fallen into at least two months' arrears in respect of the payments due thereon, the directors may at their option upon one month's notice thereafter, given as in subsection 2, appropriate the amount then standing to the credit of the said shares to payment in full of so many permanent shares or of so much permanent stock as the said amount will be sufficient to pay in full, and may convert such terminating shares into permanent shares or stock of the corporation, and the amount so converted shall cease to be a liability of the corporation.

(4) Any terminating share or shares in any loan corporation at any time, may in accordance with the by-laws and with the consent of the board of directors be paid up in full and converted and capitalized at once, as permanent stock, and such terminating share or shares heretofore paid in full, or in part, shall be as valid as if the same had been paid by periodical or other subscription. R. S. O. 1887, c. 169, s. 56 (2). Terminating shares may, with consent of directors, be at once paid up and converted.

(5) When in any loan corporation whatever any terminating shares are converted into permanent shares, the corporation shall forthwith deliver to the person entitled a certificate certifying the issue, and the number and amount of such permanent shares. Certificate of permanent shares.

14.—(1) The directors of any loan corporation whatever at any time, and from time to time, as they may think expedient, may, by resolution, close for any specified time, or until further order, the subscription of terminating shares to be converted into permanent stock of the corporation, and thereafter, until the expiration of such specified time, or until such further order, no new terminating shares shall be subscribed for such conversion. Any new issue of such shares shall be allotted to the then existing shareholders *pro rata*, as nearly as possible without fractions; but in case the remaining shares are not taken up within thirty days, then the shares, or the remaining shares, shall be sold, and any premium thereupon applied to the general benefit of the corporation, R. S. O. 1887, c. 169, s. 58. Subscription of terminating shares for conversion may be closed by directors;

(2) In any Provincial loan corporation the shareholders entitled to vote at any time may, by resolution to be passed at any ordinary or special general meeting (for which meeting notice of such intended resolution shall be duly given, according to sections 62 and 63 of this Act), determine that no new terminating shares shall thereafter be subscribed for purposes of conversion; and thereafter no new terminating shares for such conversion shall at any time be subscribed therein, and the subscription or issue of such shares shall cease forever. R. S. O. 1887, c. 169, s. 59. or by general meeting of shareholders, after notice.

(3) Nothing done under the next preceding two subsections of this Act shall have the effect of preventing such corporation from creating, as it otherwise might, any terminating share or shares to be immediately advanced to the subscriber or subscribers thereof, or of preventing any person from subscribing, as he otherwise might, for any share or shares, in order immediately to obtain the advance thereof from the corporation by giving security therefor. R. S. O. 1887, c. 169, s. 60. Shares to be immediately advanced excepted.

15.—(1) The qualified shareholders of a registered corporation which issues terminating shares may at any time, by resolution to be passed at any ordinary or special general meeting (for which meeting as in sections 62 and 63 notice of such intended resolution shall be duly given), determine that all shares Resolution for future issue of permanent stock only.

thereafter issued and subscribed for in the corporation shall be fixed and permanent capital and not liable to be withdrawn therefrom; and any share thereafter subscribed for and issued in the corporation shall be fixed and permanent capital, and not withdrawable therefrom; such shares shall be transferable in such manner as the by-laws of the corporation may direct, but no such shares shall be transferred while any call thereon is in arrears or until the same has been forfeited for non-payment of calls. R. S. O. 1887, c. 169, s. 61.

Transfer of permanent shares.

Directors may fix the amount payable at subscription for permanent shares and premiums.

Calls.

Dividends.

(2) The directors of such corporation may fix the amount to be paid on the subscription of such permanent shares, and the premium (if any), which shall be paid thereon, and when the premium shall be payable; and it shall be in the discretion of the directors from time to time to call up the balance of any such shares at such time or times as they shall think best; and the corporation may from time to time pay, notwithstanding that such shares have not been paid in full, interest or dividend by way of annual or other periodical profits upon the amount paid on such shares, and in all other respects, such shares shall be subject to the general provisions contained in this Act. R. S. O. 1887, c. 169, s. 62.

LENDING POWERS; PURCHASE AND SALE OF SECURITIES.

Lending powers of loan corporations.

16. Subject to the limitations mentioned in sections 7 and 8, any loan corporation standing registered under this Act may lend money in conformity with the laws of Canada and with this Act and with the by-laws of such corporation, to any person or persons or body corporate, at such lawful rates of interest as may be agreed upon, without requiring any of the borrowers to become subscribers to the stock, or members of the corporation; but in the case of loans made on and after the first day of May, 1893, only such borrowers from the corporation as are subscribers to the stock, or members of the corporation, shall be subject to the by-laws thereof, unless the mortgage or other security given by the borrower expressly provides that the by-laws of the corporation shall form part of the contract or obligation entered into by the borrower.

Proviso as to rules affecting borrowers.

Provided, however, that unless in all such cases the words "subject to the by-laws of the corporation" are printed in conspicuous type on the back of, and as part of the endorsement of such mortgage or other security, the borrower, not being a subscriber to the shares or a member of the corporation, shall not be bound by any such by-laws. R. S. O. 1887, c. 169, s. 66; 55 V. c. 40, s. 1. *See also* 37 V. c. 50 (D) s. 3.

POWER TO LEND ON AND PURCHASE AND SELL CERTAIN SECURITIES.

May lend on certain securities.

17.—(1) Such loan corporation may from time to time lend and advance money by way of loan or otherwise for such periods as it deems expedient on the security of real estate, or

of the public securities of Canada, or of any of the Provinces thereof, or on the security of terminating debentures of any municipal or public school corporation, or of the terminating debentures of any society or company incorporated under the Revised Statute respecting Building Societies; or of terminating debentures or debenture stock of any society or company in which under the law of the Province trustees may invest trust funds; or may out of the funds appropriated to terminating shares (if any), lend on the security of the terminating shares of the corporation itself:

Proviso.

Provided that in the case of corporations heretofore so authorized it shall be lawful to lend also upon securities other than in this section mentioned except as in section 19 provided. 54 V. c. 38, s. 2 (a); R. S. O. 1887, c. 169, secs. 57, 1 (4).

May do acts necessary to such loans and may exercise remedies.

(2) Such corporation may do all acts that are necessary for advancing such sums of money, and for receiving and obtaining repayment thereof, and for compelling the payment of all interest accruing from such sums so advanced, and the observance and fulfilment of any conditions annexed to such advance, and for enforcing the forfeiture of any term or property consequent on the non-fulfilment of such conditions, or of conditions entered into for delay of payment; and may take personal security as collateral for any advance made. 54 V. c. 38, s. 2 (c); R. S. O. 1887, c. 169, s. 31.

May hold certain estates and interests in land; and may dispose of same.

(3) Such corporation may hold such real estate as being mortgaged or hypothecated to it, is acquired by it for the protection of its investments, and may from time to time sell, mortgage, lease, or otherwise dispose of the same; and may acquire, by purchase or otherwise, any mortgage or other security upon which it is authorized to lend or advance money, and re-sell the same, as it deems advisable. 54 V. c. 38, s. 2 (*b*); R. S. O. 1887, c. 169, s. 31 and s. 33.

May purchase and sell certain securities.

May give discharges and execute all necessary instruments.

(4) Such corporation may give receipts, acquittances and discharges, either absolutely and wholly, or partially, and may grant or take such deeds, assignments or other instruments as are necessary for carrying any such holding, purchase or re-sale into effect; and the grantee or assignee in any such instrument shall stand in the place of, and be entitled to, and have all the same rights, powers and remedies, and shall be subject to the same obligations and liabilities, under, upon, or in respect to such instrument as the grantor or assignor would have been entitled to have had or been subject to if the grant or assignment had not been made. 54 V. c. 38, s. 2 (*d*); R. S. O. 1887, c. 169, s. 31, s. 32.

Rights of grantee or assignee.

Power to hol real estate.

(5) Any corporation standing registered under this Act may hold absolutely to its own use and benefit such real estate as is necessary for the transaction of its business, not exceeding in yearly value the sum of $20,000, and such real estate as being mortgaged or hypothecated to it, is acquired by it for the protection of its investments, and may from time to time, sell, mortgage, lease, or otherwise dispose of the same; but the

corporation, (not being a loaning land corporation standing registered under this Act,) shall, subject as above, sell any real estate acquired in satisfaction of any debt within seven years after it has been so acquired, otherwise it shall be forfeited to Her Majesty, for the uses of the Province. 54 V. c. 38, s. 14; R. S. O. 1887 c. 169, s. 64.

May form reserve fund and invest same in foregoing securities.

(6) It shall be lawful for any such corporation to constitute and maintain a reserve fund out of the earnings or other income of the corporation not required for the present liabilities of the corporation, and to invest the same in any of the securities authorized for purposes of loans by this section. R. S. O. 1887, c. 169, s. 69.

General powers of corporation for purposes of this section and of this Act.

(7) And for every purpose in this section specified, and for any other purpose in this Act mentioned or referred to, the corporation may lay out, and apply the capital and property, for the time being, of the corporation or any part thereof, or any of the moneys authorized to be hereafter raised or received by the corporation in addition to its capital for the time being, and may authorize and exercise all acts and powers whatsoever, in the opinion of the directors of the corporation requisite or expedient to be done or exercised in relation thereto. 54 V. c. 38, s. 2.

Balloting for loans prohibited.

18. No loan corporation whatsoever shall ballot or cause or permit applicants for loans or advances to ballot for precedence, or shall in any way make the granting of a loan or advance depend upon any chance or lot. Any registered corporation which contravenes this section, and any corporation which makes, prints, advertises or publishes, or causes or procures to be made, printed, advertised or published any proposal, scheme or plan for loaning or advancing or in any way disposing of money or property by lot, ballot, or by any mode of chance whatsoever, shall be liable to have its registry cancelled; and any director, officer, servant, employee or shareholder of the corporation, party to such contravention, shall be liable upon summary conviction before any Police or Stipendiary Magistrate, or two Justices of the Peace, to a fine of not less than $20, nor more than $200 and costs, and in default of payment to imprisonment for a term of not less than three nor more than twelve months in any prison or gaol of the Province. Imp. Act 57-8 V. c. 47, s. 12 (1); Crim. Code Sec. 205.

Permanent shares or stock not a debt of the corporation; loans or advances upon such shares or stock prohibited.

19. No payments received by the corporation for or on account of any permanent shares or stock whatsoever, shall be deemed to be a debt of the corporation; and no sum due to any holder of such shares or stock, in his character of holder or member, by way of dividends, profits or otherwise, shall be deemed a debt of the corporation, payable to such holder or member in a case of competition between himself and any other creditor not being a holder of such shares or a member

of the corporation; but any sum so due may be taken into account for the purposes of the final adjustment of the rights of the contributories amongst themselves; and no loan corporation whatever shall, after the passing of this Act, make any loan or advance upon the security of any permanent share or shares, or permanent stock of the corporation, whether with or without collateral security. Imp. Cos. Act 1862 (25-6 V. c. 89), s. 38 (7); Lindley on Cos., 5th Ed., p. 631; R. S. O. c. 169, s. 68 (4).

INTEREST; PAYMENTS OF BLENDED INTEREST AND PRINCIPAL; LIMITATION OF MORTGAGOR'S LIABILITY FOR INTEREST.

Rate of interest, repayment and recovery of money loaned or advanced, and of interest thereon.

20. Subject as in the next five following sections provided, any corporation standing registered under this Act, may stipulate for, take, reserve, and exact any rate of interest or discount that may lawfully be taken by individuals, and may also receive an annual payment on any loan or advance upon such terms and in such manner as are regulated by the by-laws of the corporation; provided always that no fine or penalty shall be stipulated for, taken, reserved or exacted in respect of arrears of principal or interest, which has the effect of increasing the charge in respect of arrears beyond the rate of interest or discount on the loan; and the corporation may do all acts that may be necessary for advancing money, and for recovering and obtaining repayment thereof, and for enforcing payment of all interest accruing therefrom, or for enforcing any conditions attached to such advance, or any forfeiture consequent on the non-payment thereof, and give all necessary and proper receipts, acquittances and discharges for the same, and do, authorize and exercise all acts and powers whatsoever requisite or expedient to be done or exercised in relation to the said purposes. R. S. O. 1887, c. 169, s. 67; 54 V. c. 38, s. 16. See also 37 V. c. 50, s. 5 (D); R. S. C., c. 127, s. 5.

No interest recoverable in certain cases unless the mortgage contains a certain statement.

21. Whenever any principal money or interest secured by mortgages of real estate is, by the same, made payable on the sinking fund plan, or on any plan under which the payments of principal money and interest are blended, or on any plan which involves an allowance of interest on stipulated repayments, no interest whatever shall be chargeable, payable or recoverable, on any part of the principal money advanced, unless the mortgage contains a statement showing the amount of such principal money and the rate of interest chargeable thereon, calculated yearly or half-yearly, not in advance. 43 V., c. 42 (D), s. 1; R. S. C. c. 127, s. 3.

No rate recoverable beyond that shown in such statement.

22. Whenever the rate of interest shown in such statement is less than the rate of interest which would be chargeable by virtue of any other provision, calculation or stipulation in the mortgage, no greater rate of interest shall be chargeable, payable or recoverable, on the principal money advanced, than the rate shown in such statement. 43 V., c. 42 (D), s. 2; R. S. C. c. 127, s. 4.

No fine allowed on payments in arrear which has the effect of increasing the rate of interest.

Proviso: as to interest on arrears of interest.

23. No fine or penalty or rate of interest shall be stipulated for, taken, reserved or exacted on any arrear of principal or interest secured by mortgage of real estate, which has the effect of increasing the charge on any such arrear beyond the rate of interest payable on principal money not in arrear; but nothing in this section contained shall have the effect of prohibiting a contract for the payment of interest on arrears of interest or principal at any rate not greater than the rate payable on principal money not in arrear. 43 V., c. 42 (D), s. 4; R. S. C. c. 127, s. 5.

Overcharge may be recovered back.

24. If any sum is paid on account of any interest, fine or penalty not chargeable, payable or recoverable under the three sections next preceeding, such sums may be recovered back, or deducted from any other interest, fine or penalty chargeable, payable or recoverable on the principal. 43 V., c. 42 (D), s. 4; R. S. C. c. 127, s. 6.

No further interest payable after five years on certain conditions.

25. (1) Whenever any principal money or interest secured by mortgage of real estate is not, under the terms of the mortgage, payable till a time more than five years after the date of the mortgage, then, if at any time after the expiration of such five years, any person liable to pay or entitled to redeem the mortgage tenders, or pays to the corporation entitled to receive the money, the amount due for principal money and interest to the time of payment, as calculated under the four sections next preceding, together with three months' further interest in lieu of notice, no further interest shall be chargeable, payable or recoverable at any time thereafter on the principal money or interest due under the mortgage. 43 V., c. 42 (D), s. 5; R. S. C., c. 127, s. 7.

Secs. 20 to 25 (1) to be taken as subject to amendment or repeal by Dominion.

(2) The provisions contained in subsection 1 and in the four next preceding sections, having been also enacted by the Dominion of Canada, shall be taken as subject to the jurisdiction of the Dominion to vary, amend or repeal the same.

BORROWING POWERS.

Saving clause as to corporations in present authorized operation.

26. Nothing contained in this Act shall be construed to enlarge or diminish the duly authorized borrowing powers of any corporation lawfully doing business in Ontario on the tenth day of February, 1897, and standing registered under this Act.

Limitations of the borrowing powers of certain corporations.

27. Unless and until the corporation has a paid-up, unimpaired, permanent and non-withdrawable capital of at least $100,000, or (being constituted with joint stock capital) has a subscribed permanent stock of at least $300,000, on which at least $100,000 has been actually paid and is unimpaired, no corporation established after the 31st day of December, 1877, shall receive deposits, or borrow, receive, take or retain otherwise than in respect of stock and shares of the corporation any sum of money from any person or persons; and the paid in and subscribed capital of the corporation shall be liable for

the amount so borrowed, received or taken by the corporation. R. S. O. 1887, c. 169, secs. 55, 56 (3), 68; 54 V. c. 38, s. 13 (1), (2).

Borrowing powers of other corporations.

28. When a corporation standing registered under this Act has a paid-up, permanent, non-withdrawable and unimpaired capital of not less than $100,000 or (being constituted with joint stock capital) has a subscribed permanent stock of at least $300,000 on which at least $100,000 has been paid and is unimpaired, the directors may from time to time, with the consent of the shareholders, obtained at any general meeting, having notice of such proposed borrowing, borrow money on behalf of the corporation at such lawful rates of interest, and upon such terms as they from time to time think proper: and the directors may for that purpose, subject as hereinafter provided, receive money on loan or on deposit (other than and in addition to money received in respect of stock and shares of the corporation); and may for that purpose issue debenture stock, and terminable debentures, bonds and other obligations, as well as execute mortgages under the seal of the corporation, for sums of not less than $100 each; or may assign, transfer or deposit by way of equitable mortgage or otherwise, for the sum so borrowed, any of the documents of title, deeds, muniments, securities or property of the corporation, and either with or without power of sale or other special provisions, as the directors deem expedient. 54 V. c. 38, s. 4; R. S. O. 1887, c. 169, s 68 (1).

BORROWING BY WAY OF DEPOSITS, DEBENTURES, OR GUARANTEE.

Receiving money on deposit.

29.—(1) The corporation shall not, without the express consent of the shareholders given at a general meeting having due notice of the proposal, receive money on deposit, otherwise than in respect of shares or stock of the corporation; and when money is otherwise received on deposit, the same shall, for the purposes of this Act, be deemed to be money borrowed by the corporation; and with lawful interest thereon as agreed, shall be repayable by the corporation either at a time certain, or upon notice not being less than thirty days, as shall have been agreed upon. 54 V. c. 38, s. 12; R. S. O. 1887, c. 169, s. 55; R. S. C. c. 119, s. 91.

Limitation amount receivable on deposit.

(2) The amount to be received by any corporation entitled as hereinbefore provided to receive deposits shall not at any time exceed the aggregate amount of the then actually paid up and unimpaired permanent capital, and of its other cash actually in hand or deposited by it in any chartered bank or banks in Canada. 54 V. c. 38, s. 13 (3).

Amount and form of debentures.

30.—(1) If the corporation issue debentures, the debentures shall be for such sums, not being less than $100 and in such currency as the board of directors may deem advisable, and

shall be payable not less than one year, nor more than ten years, from the issue thereof at such place as may be therein mentioned. R. S. O. 1887, c. 169, s. 70. See also 37 V. c. 50, (D) s. 6.

Where corporation borrows on securities but not on deposits.

(2) If the corporation borrows money solely on debentures or other securities, and by guarantee and not by way of deposit, under section 29, the aggregate amount of the sums so borrowed shall not, at any time exceed four times the amount of its paid-up and unimpaired capital, or at the option of the corporation the amount of its subscribed, fixed and permanent capital, upon which not less than twenty per cent. has been paid. 54 V. c. 38, s. 13 (4); R. S. O. c. 119, s. 92, (4).

Enlarged borrowing powers not to prejudice certain debenture holders.

(3) In event of any corporation incorporated before the 4th day of May, 1891, availing itself of the provisions of this Act, or any Act of the Province passed after the 3rd day of May, 1891, to enlarge its powers of borrowing money by debentures, nothing herein contained shall be construed as affecting or in any wise impairing the rights of the holders of debentures issued by such corporation. 54 V. c. 38, s. 13, (6).

Where corporation borrows both on securities and on deposits.

(4) If the corporation borrows money both by way of debentures or other securities, or by guarantee and also by way of deposit, such corporation shall, in respect of deposits received, comply with section 29, and furthermore the aggregate amount of its total borrowing shall not at any time exceed the amount of the principal moneys remaining unpaid on securities then held by the corporation, nor shall it exceed thrice the amount of the then actually paid-up and unimpaired permanent capital of the corporation; but the amount of cash then actually in the hands of the corporation, or standing deposited by it in any chartered bank, or both, shall be deducted from the aggregate amount of the liabilities which the corporation has then incurred, as above mentioned, in calculating the aggregate amount for the purposes of this subsection. 54 V. c. 38, s. 13 (5); R. S. O. 1887, c. 169, s. 68.

Liabilities of borrowing not to exceed mortgages.

31. The total liabilities of the borrowing corporation shall not at any time exceed the amount of principal remaining unpaid on the mortgages then held by the corporation, but in estimating the said liabilities, the amount of cash actually in the hands of the corporation, or deposited in any chartered bank of Canada shall be deducted therefrom. R. S. O. 1887, c. 169, s. 68 (2.)

Deduction to be made in estimating the paid-up capital.

32. If a corporation has heretofore made to its shareholders loans or advances upon the security of their permanent shares or stock, the amount of such loans or advances remaining unpaid shall be deducted from the amount of paid-up capital upon which the corporation is authorized to borrow. R. S. O. 1887, c. 169, s. 68 (3).

DEBENTURE STOCK.

Issuing debenture stock.

33. Subject to sections 29, 30, 31 and 32, the directors of any registered loan corporation, such as mentioned in section 28, may, from time to time, with the consent of a majority of the shareholders, present in person or represented by proxy, at a general meeting called for such purpose, and having due notice of the proposal, issue debenture stock, which shall be treated and considered as a part of the regular debenture debt, authorized by section 30 of this Act, in such amounts and manner, on such terms, and bearing such rate of interest, and in such currency as the directors from time to time think proper, but subject to the limitations in sections 29, 30, 31 and 32 provided, so that the amount received as money deposits and borrowed on the security of debentures, mortgages, bonds, or other instruments or debenture stock, shall not in the whole exceed the aggregate amount fixed by sections 29, 30, 31 and 32, as the authorized limit of the borrowing powers of the corporation. 54 V. c. 38, s. 5; Cf. R. S. O. 1887, c. 169, s. 23 and s. 30.

Rights of holder of debenture stock.

34. Debenture stock shall not entitle the holders thereof to be present or to vote at any meeting of the corporation, or confer any qualification, but shall, in all respects not otherwise by or under this Act provided for, be considered as entitling the holders to the rights and powers of mortgagees of the undertaking to the extent provided in the by-laws of the corporation authorizing such debenture stock, but shall not confer or imply the right to require repayment of the principal money paid up in respect of the debenture stock. 54 V. c. 38, s. 10; cf. R. S. O. 1887, c. 169, s. 25. (part).

Debenture stock how ranked.

35. The debenture stock to be issued under the authority of this Act shall rank equally with the debentures issued, or to be issued, by the corporation, and the holders thereof shall not be liable or answerable for any debts or liabilities of the corporation; and in case of a liquidation of the corporation, or other distribution of its assets, the holder shall for arrears of interest (if any), and for the then present or capitalized value of the future interest annually payable, rank *pari passu* with depositors and debenture holders. Cf. 54 V. c. 38, s. 6; R. S. O. 1887, c. 169, s. 28.

Register of debenture stock.

36. The corporation shall cause entries of the debenture stock from time to time created to be made in a register, to be known as the Debenture Stock Register, and to be kept for that purpose at the head office of the corporation, wherein shall be entered the names and addresses of the several persons and corporations from time to time entitled to the debenture stock, with the respective amounts of the stock to which they are respectively entitled; and the register shall, during reasonable business hours of every day, except Sundays

and holidays, be accessible for inspection and perusal by himself or his agent to every debenture holder, mortgagee, bondholder, debenture stockholder and shareholder of the corporation, without the payment of any fee or charge. 54 V. c. 38, s. 7; R. S. O. 1887, c. 169, s. 24.

Transfer of debenture stock.

37. Such debenture stock shall be transferable in such amounts and in such manner as the directors may determine, and all transfers of the debenture stock of the corporation shall be registered at the head office of the corporation in this Province, but the corporation may have transfer books for purposes of such debenture stock, at such place or places in Canada, in Great Britain and Ireland, or any foreign country in which transfers of the said stock may be made; but all such transfers shall be entered in the book to be kept at the head office. 54 V. c. 38, s. 8; R. S. O. 1887, c. 169, s. 24 (part), and s. 26.

Certificate of debenture stock.

38. The corporation shall deliver to every holder of debenture stock a certificate stating the amount of the debenture stock held by him, the rate of interest payable thereon and the terms and conditions to which the said stock is subject; and all regulations and provisions for the time being applicable to certificates of shares in the capital stock of the corporation shall apply, *mutatis mutandis*, to certificates of debenture stock. 54 V. c. 38, s. 9; R. S. O. 1887, c. 169, s. 25.

Exchange of debentures for, and redemption of debenture stock.

39. The holders of the debentures of the corporation may, with the consent of the directors, at any time exchange such debentures for debenture stock; and the corporation may from time to time purchase in the open market and, with the consent of the holders thereof, redeem any portion or portions of the debenture stock representing moneys which the directors, by resolution duly made, determine not to be required for the business of the corporation. R. S. O. 1887, c. 169, s. 27; 54 V. c. 38, s. 11: Cf. R. S. O. 1887, c. 169, s. 29.

AMALGAMATION OF COMPANIES, AND PURCHASE AND SALE OF ASSETS.

Power to unite with other corporations and to purchase or sell assets.

40. Any corporation such as mentioned in section 28 may unite, merge, amalgamate and consolidate its stock, property, business and franchises with those of any other corporation incorporated or chartered to transact a like business, and any other business in connection with such business, or with those of any building, savings or loan company or society heretofore or hereafter incorporated or chartered, or may sell its assets to any other such corporation which is hereby authorized to purchase the same, or may purchase the assets of any other such corporation which is hereby authorized to sell the same, and for the purpose of carrying out such purchase or sale, the cor-

poration so purchasing may assume the liabilities of the corporation so selling, and may enter into such bond or agreement of indemnity with the corporation or the individual shareholders thereof, or both, as may be necessary, and may enter into all contracts and agreements necessary to such union, merger, amalgamation, consolidation, sale, purchase or acquisition. R. S. O. 1887, c. 169, s. 76; 54 V. c. 38, s. 18.

Directors may make agreement for amalgamation or for purchase or sale of assets.

41.—(1) The directors of any corporation such as mentioned in section 28, and of any other corporation such as mentioned in section 40 may enter provisionally into a joint agreement under the corporate seals of each of the said corporations for the union, merger, amalgamation or consolidation of the said corporations, or for the sale or purchase by the one corporation of the assets of the other corporation; and the said agreement shall prescribe the terms and conditions thereof, the mode of carrying the same into effect, and, if the two corporations are to merge into one corporation, the name of the new, or of the continuing corporation, the number of directors and other officers thereof, and who shall be the first directors and officers thereof, the manner of converting the capital stock of each of the said corporations into that of the new or continuing corporation, with such other details as the directors of the several corporations deem necessary to perfect such new organization, and the union, merger, amalgamation and consolidation of the said corporations, and the after management and working thereof, or to perfect the terms and mode of payment for the assets, on the sale, purchase, or acquisition of the assets of the one corporation by the other. R. S. O. 1887, c. 169, s. 77; 54 V. c. 38, s. 19.

Agreement to be subject to approval of shareholders.

(2) Such agreement, or if no agreement has been entered into, but an offer has been made by another company or society under its corporate seal for the purchase of the assets of the corporation, or if the corporation has made any offer under its corporate seal for the purchase of the assets of another incorporated company or society, then such offer shall be submitted to the shareholders of each of the said corporations at a meeting thereof, to be held separately for the purpose of taking the agreement or the offer into consideration. R. S. O. 1887, c. 169, s. 78; 54 V. c. 38, s. 20 (1).

Notice of meeting to consider agreement

(3) Notice of the time and place of such meetings and the objects thereof shall be given by written or printed notice addressed to each shareholder of the said corporations respectively, at his last known post office address or place of residence, and also by a general notice inserted in a newspaper published at the chief place of business of each of such corporations once a week for six successive weeks. The like notice, together with a copy of the proposed agreement, shall be delivered to the Corporations Registrar at least one month before the date of either of the meetings of shareholders called to consider it. R. S. O. 1887, c. 169, s. 78; 54 V. c. 38, s. 20 (2); Imp. 37-38 V. c. 42, s. 33.

Proceedings to ratify agreement.

42. At such meetings of shareholders such agreement or offer shall be considered, and a vote by ballot taken for the ratification or acceptance, or for the rejection of the same, each share entitling the holder thereof to one vote unless otherwise provided by the by-laws of the said respective corporations, and the said ballots being cast in person or by proxy, and if two-thirds of the votes of all the shareholders of such corporations, representing not less than two-thirds in value of the paid up capital or permanent stock of each, shall be for the ratification of the agreement or the acceptance of such offer, then that fact shall be certified upon the said agreement or offer by the secretary or manager of each of such corporations under the corporate seals thereof. R. S. O. 1887, c. 167, s. 79; 54 V. c. 38, s. 20 (3).

Who may vote.

43. The shareholders who may vote at such meetings shall be those only whose names are duly entered in the books of the respective corporations at the date of the first publication of the notices calling such meetings, and they shall vote upon the shares only then standing in their respective names. 54 V. c. 38, s. 20 (4).

Ratified agreement to filed with Registrar for assent.

44. If the said agreement is so ratified or the said offer is so accepted at the respective meetings of the shareholders of each of the said corporations, the agreement so ratified or the offer so accepted, with the said certificates thereon shall be filed with the Corporation's Registrar; and after the assent of the Lieutenant-Governor in Council thereto, the said agreement or offer shall thenceforth be taken and deemed to be the agreement and act of union, amalgamation and consolidation of the said corporations, or the agreement and deed of purchase and acquisition of the assets of the company by such other company or society so purchasing, or by the company of the assets of the company or society so selling, as the case may be. 54 V. c. 38, s. 20 (5).

Certificate of assent by Minister.

45.—(1) Upon proof that the foregoing requirements have been duly complied with, and after the agreement or offer so ratified or accepted has been assented to by the Lieutenant-Governor in Council, the Minister shall issue a certificate under his hand and seal certifying such assent and the date thereof; also declaring the purchase and the sale of the assets and the names of corporations parties thereto; or in the case of amalgamation, declaring the amalgamation of the corporations (*naming them*), and the date of such assent thereto, also the name of the new or of the continuing corporation, together with such other matters (if any), as may appear to the Minister necessary or desirable in the public interest; and the said certificate shall be conclusive evidence of all matters therein certified or declared. Cf. Imp. Act, 40-1 V. c. 63, s. 5.

(2) Of the issue of such certificates the Corporations Registrar shall give public notice in *The Ontario Gazette*. Public notice to be given of certificate.

46. For purposes of *The Registry Act, 1893*, or of any Act amending or consolidating the same, it shall be sufficient to register once for all on the general register of each Registry Division in which the securities included in such transfer or amalgamation are registered, a certified copy of such certificate; and the fee payable for the registration thereof shall be one dollar. Registration of certificate for purposes of title of land.

47. The Corporations Registrar may, under his hand and seal, indorse upon the agreement or offer mentioned in section 44, or any counterpart or copy of the same, a certificate certifying, or he may by any writing so signed and sealed, identifying the agreement or offer, certify that the said agreement or offer has been assented to by the Lieutenant-Governor in Council, and such certificate with a copy of the Order in Council attached shall be *prima facia* evidence of such assent. Assent of the Bureau may be otherwise evidenced.

48. In the case of a purchase and sale of assets so assented to, the assets of the company selling shall, on and from the date of such assent, without any further conveyance, become absolutely vested in the company purchasing, and the company purchasing shall thereupon become and be responsible for the liabilities of the company or society so selling, the whole as fully and effectually to all intents and purposes as if a special Act were passed with that object; and in dealing with the assets of the company selling it shall be sufficient for the company purchasing to recite the said agreement and the assent of the Lieutenant-Governor in Council thereto, with the date of the said assent. Provided that such transfer of engagements shall not affect the rights of any creditor of either or any corporation transferring its engagements. Cf. 54 V. c. 38, s. 20 (5); Imp. 40-1 V. c. 63, s. 5. Assets of selling company to vest in purchasing company.

49. In the case of the amalgamation of corporations so assented to, the several corporations parties thereto shall as from the date of the said assent be deemed and taken to be consolidated and amalgamated, and to merge in and form one corporation by the name stated in the said certificate, with a common seal, and shall, subject to the law of the Province, possess all the rights, privileges and franchises of each of said corporations; and as from the said date all and singular the business, property, real and personal, and all rights and incidents appurtenant thereto, all stock, mortgages or other securities, subscriptions and other debts due on whatever account, and other things in action belonging to such corporations or either of them, shall be taken and deemed to be transferred to and vested in such new or such continuing corporation without further act or deed; Provided, however, that Property and rights of both companies vested in new corporation.

all rights of creditors and liens upon the property of either of such corporations shall be unimpaired by such amalgamation, and that all debts, liabilities and duties of either of the said corporations shall thenceforth attach to the new or continuing corporation, and may be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it; and that no action or proceeding, legal or equitable, by or against the said corporations so amalgamated, or either of them, shall abate or be affected by such amalgamation, but for all the purposes of such action or proceeding such corporation may be deemed still to exist, or the new or continuing corporation may be substituted in such action or proceeding in the place thereof. R. S. O. 1887, c. 169, s. 81; 54 V. c. 38, secs. 21, 22; Imp. 40-1 V. c. 63, s. 5.

RIGHTS OF ALIENS AND MINORS: EXECUTION OF TRUSTS.

Act to extend to aliens, etc.

50. This Act shall, for all purposes, extend to aliens; and co-partners and corporate bodies may hold shares in any loan corporation standing registered under this Act. R. S. O. 1887, c. 169, s. 45; Cf. Imp. Act, 37-8 V. c. 42, s. 39.

Certain minors may make deposits and take terminating shares.

51. In respect of deposits made or to be made, or of terminating shares taken or to be taken in any loan corporation by any person not of the full age of twenty-one years, but of the age of fifteen years or upwards, such depositor or shareholder shall not, by reason only of his minority, be deemed incompetent to contract or to give a valid discharge for any benefit accruing or for money payable under the contract. 53 V. c. 31 (D. Bank Act), s. 84; 55 V. c. 39 (O), s. 35 (7); R. S. O. c. 172, s. 10; Imp. Act, 37-8 V. c. 42, s. 38.

Deposits made or shares taken by minor.

52. When deposit is made or shares taken in any loan corporation by such minor as mentioned in section 51, the same shall be held to be for the exclusive right and benefit of such depositor or shareholder, free from the lien or control of any person except creditors within the intent of section 61, and shall be repaid to such depositor or shareholder, and the receipt or acquittance of such minor shall be a sufficient release and discharge to the corporation. Revised Statutes of Ohio, 1896, s. 3801.

Corporation not bound to see to execution of trusts or application of moneys paid on receipt, etc.

53.—(1) The corporation shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any share or shares of its stock, or to which any deposit, debenture, or debenture stock or any other moneys payable by or in the hands of such corporation may be subject; and the receipt of the party or parties in whose name such share or shares or moneys stand in the books of the corporation shall, from time to time, be sufficient discharge to the corporation for any payment of any kind made in respect of such share or shares or moneys, notwith-

standing any trust to which the same may then be subject, and whether or not the corporation has had notice of such trust, and the corporation shall not be bound to see to the application of the money paid upon such receipt. R. S. O. 1887, c. 169, s. 65; c. 156, s. 32; c. 157, s. 58; *See also* 37 V. c. 50, (D) s. 10.

Representatives, guardians, or trustees not to be personally liable.

(2) No person holding stock or shares in the corporation as executor, administrator, guardian or trustee of or for any person named in the books of the corporation as being so represented by him, shall be personally subject to any liability as a stockholder or shareholder, but the estate and funds in his hands shall be liable in like manner and to the same extent as the testator, intestate, ward or person interested in such trust fund would be, if living and competent to hold the stock in his own name; and if the trust is for a living person, such person shall also himself be liable as a stockholder or shareholder: but if such testator, intestate, ward or person so represented is not named in the books of the corporation, the executor, administrator, guardian or trustee shall be personally liable in respect of such stock or shares as if he held it or them in his own name as owner thereof. 53 V. c. 31 (D) s. 44.

Exception.

NOMINATION BY INVESTOR OR DEPOSITOR; INTESTACY; MISTAKEN PAYMENTS; TRANSMISSION OF INTEREST; CASE WHERE RIGHTS ARE IN DOUBT; EXECUTION CREDITORS.

Member or investor in loan corporation may nominate a successor.

54. A member of or investor in, or depositor with any loan corporation having a sum of money in the funds thereof not exceeding $300, may from time to time nominate any person or persons (such person or persons being within the Statute of Distributions) as successor or successors at death of such member, investor or depositor; provided that such nomination is made in writing, and duly deposited with the secretary or manager of the corporation, and upon receiving an affidavit of the death of the nominator, the directors shall substitute the name of the nominee on its books in the place of the nominator, or may immediately pay to the nominee the amount due to the deceased member or depositor. R. S. O. 1887, c. 169, s. 46 (1); Imp. 50-1 V. c. 40, s. 3 (1).

Disposition of funds of intestate members.

55. If any member, investor in, or depositor with the corporation having in the funds thereof a sum of money not exceeding $300, dies intestate and without making such nomination, then the amount due shall, without letter of administration taken out, be paid to the person who appears to the directors to be entitled under the Statute of Distributions to receive the same upon the directors receiving an affidavit of death and intestacy, and that the person so claiming is entitled as aforesaid. R. S. O. 1887, c. 169, s. 46 (2); Imp. Act, 37-8 V. c. 42, s. 29; Imp. 50-1 V. c. 40, s. 3 (2).

Mistaken payments by the corporation, when valid.

56. Where the directors after the decease of any member or depositor, has paid such sum of money to the person who at

the time appeared to be entitled to the effects of the deceased, under the belief that he died intestate without having appointed any nominee, the payment shall be valid and effectual with respect to any demand, from any other person as next of kin or as the lawful representative of the deceased member or depositor, against the funds of the corporation; but, nevertheless, the next of kin or representative shall have his lawful remedy for the amount of such payment as aforesaid against the person who has received the same. R. S. O. 1887, c. 169, s. 46; Imp. Act, 37-8 V. c. 42, s. 29.

On transmission of shares by death, etc., the transferee must file declaration shewing nature of transmission.

57. If the interest of any person in any share in the capital stock, or debenture stock, or in any bond, debenture or obligation of any loan corporation, (such bond, debenture or obligation not being payable to bearer,) is transmitted in consequence of the death, or bankruptcy, or insolvency of such holder, or by lawful means other than a transfer upon the books of the corporation, the directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon the books of the corporation, or to recognize such transmission in any manner until a declaration in writing, showing the nature of such transmission, and signed and executed by the person or persons claiming by virtue of such transmission, and also executed by the former shareholder, if living and having power to execute the same, shall have been filed with the manager or secretary of the corporation and approved by the directors, and if the declaration, purporting to be signed and executed, shall also purport to be made or acknowledged in the presence of a notary public, or of a Judge of a Court of Record, or of a mayor of any city, town or borough, or other place, or a British Consul, or Vice-Consul, or other accredited representative of the British government in any foreign country, the directors may, in the absence of direct actual notice of a contrary claim, give full credit to the declaration, and (unless the directors are not satisfied with the responsibility of the transferee) shall allow the name of the party claiming by virtue of the transmission to be entered in the books of the corporation. R. S. O. 1886, c. 169, s. 47.

The transferee must also in certain cases file probate of will or certified extract from same, when directors may allow transfer.

58. If the transmission takes place by virtue of any testamentary act or instrument, or in consequence of an intestacy, the probate of the will or letters of administration, or document testamentary, or other judicial or official instrument under which the title (whether beneficial or as trustee), or the administration or control of the personal estate of the deceased shall purport to be granted by any Court or authority in the Dominion of Canada, or in Great Britain or Ireland, or any other of Her Majesty's dominions or in any foreign country, or an authenticated copy thereof or official extract therefrom, shall, together with the declaration mentioned in section 57, be produced and deposited with the manager, secretary, treasurer or other officer named by the directors for the

purpose of receiving the same, and such production and deposit shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, coupon, bond, debenture or obligation or share, or transferring, or consenting to the transfer of any bond, debenture or obligation or share, in pursuance of, and in conformity to such probate, letters of administration or other such document as aforesaid. R. S. O. 1887, c. 169, s. 48.

When directors have reasonable doubts as to legality of claim they may take opinion of High Court.

59. Whenever the directors shall entertain reasonable doubts as to the legality of any claim to or upon such share or shares, bonds, debentures, obligations, dividends, coupons or the proceeds thereof, then and in such case it shall be lawful for the directors to file in the High Court a petition stating such doubt, and praying for an order or judgment adjudicating and awarding the said shares, bonds, debentures, obligations, dividends, coupons or proceeds to the party or parties legally entitled to the same, and such Court shall have authority to restrain any action or proceedings against the corporation, the directors or officers thereof, for the same subject matter, pending the determination of the petition; and the corporation and the directors and officers thereof shall be fully protected and indemnified by obedience to such order or judgment against all actions, claims and demands in respect of the matters which shall have been in question in such petition, and the proceedings thereupon; Provided always, that if the Court adjudges that such doubts were reasonable, the costs, charges and expenses of the corporation in and about such petition and proceedings shall form a lien upon such shares, bonds, debentures, obligations, dividends, coupons or proceeds, and shall be paid to the corporation before the directors shall be obliged to transfer, or assent to the transfer, or to pay such shares, bonds, debentures or obligations, dividends, coupons or proceeds to the party or parties found entitled thereto. R. S. O. 1887, c. 169, s. 49.

Costs.

Disposition of proceeds of sale under mortgages.

60. In case of a sale of property mortgaged to the corporation, any surplus not exceeding $300, over and above the amount due to the corporation and costs, derived from sale under power of sale of any property mortgaged to the corporation, where the mortgagor or his assigns has or have died intestate, shall be personal property, whether the sale took place before or after the death of the mortgagor or person entitled to the equity of redemption. R. S. O. 1887, c. 169, s. 50.

Rights of execution creditors.

61. Where the amount standing to the credit of any depositor or shareholder exceeds $300, nothing in section 60 shall prejudice the right of any execution creditor in respect of any right or lien he may have in respect of such excess to the amount of the execution in the hands of the sheriff. R. S. O. 1887, c. 169, s. 51

Proviso.

Provided, however, that to the extent of $300, the amount standing to the credit of any depositor or shareholder in

a corporation registered under this Act, shall not while in the hands of the corporation or while in course of transmission from the corporation, be liable to demand, seizure or detention under legal process as against the said depositor or shareholder, or his nominee, assignee or representative, or as against any person to whom the corporation is by the seven sections next preceding authorized to pay said sum. R. S. C. c. 35 (P. O. Savings Bank, s. 58, where the whole deposit is exempted).

GENERAL MEETINGS OF SHAREHOLDERS.

Annual general meeting.

62.—(1) A general meeting of the shareholders of the corporation shall be held at least once in each year for the purpose of considering the financial statement of the corporation, and for the purpose of electing directors and auditors, and for the transaction of such other business as is proper to such regular general meeting under the law of the Province and the by-laws of the corporation.

Notice of annual meeting.

(2) Notice of the time and place of the holding of the annual general meeting of the shareholders shall be delivered, or shall be sent by post prepaid, to the address of each shareholder, so far as the same shall be known, or, on request, to his proxy residing in North America, if the shareholder does not reside therein or is absent therefrom; and such notice of the meeting shall be so delivered or sent at least ten days previously thereto, and a copy of the annual statement of the directors shall accompany such notice. 52 V. c. 34, s. 8.

Special general meetings may be had by resolution of directors;

63.—(1) The directors shall have the right at any time by resolution of the board passed in that behalf, to call a special general meeting of the shareholders for the transaction of any business specified in such resolution and in the notice calling the meeting.

or by requisition of shareholders.

(2) One-fourth part in value of the shareholders of the corporation shall by requisition delivered to the manager, acting manager, or secretary thereof, have at all times the right to call a special general meeting thereof, for the transaction of any business specified in such written requisition and in the notice calling the meeting R. S. O. 1887, c. 156, s. 17; c. 157, s. 39.

Notice required for special general meeting.

(3) Notice of the holding of every special general meeting of the shareholders shall be delivered, or shall be sent by post prepaid to the address of each shareholder, so far as the same shall be known, at least fourteen days before the day appointed for the meeting; the notice shall specify the time and place of the meeting and the business to be transacted thereat.

Affidavit as to notice.

(4) Before the business of any special general meeting is proceeded with there shall be produced and read a statement of the manager or secretary of the corporation declaring upon oath that the requirements of this section as to notice have been fully complied with; and a copy of the notice so delivered or sent and of the said affidavit in relation thereto, shall be entered

Minutes.

in the minute book of the corporation as part of the proceedings of the said meeting.

Penalty.

64. Any director of any Provincial loan corporation wilfully neglecting or omitting to give effect to the requisition mentioned in section 63, or to give the notice of general meetings required by sections 62 and 63, shall be guilty of an offence against this Act and the procedure and penalty shall be as in the case of an offence against section 117 of this Act. Cf. 52 V. c. 34, s 7.

Voting power of shareholders.

65. At all meetings of shareholders of the corporation the shareholders shall have one vote for each share held by them respectively upon which the holder shall not be in arrears, and the shareholder may either vote in person or be represented and vote by proxy, the proxy being himself a shareholder of the corporation and not in arrears. R. S. O. 1887, c. 169, s. 72 (4), and s. 54.

Limitation of proxies.

66. Every power of attorney or proxy to vote for any shareholder, executed or given either before or after the passing of this Act, and whether a general or special power or proxy, shall cease to be valid, and shall not be acted on after the expiration of three years from the date thereof. 52 V., c. 34, s. 7.

BY-LAWS.

Shareholders may make by-laws.

67. The several shareholders of any registered Provincial loan corporation may from time to time assemble together, and make such proper by-laws for the government of the same as the majority of shareholders so assembled deem meet, such by-laws not being repugnant to the provisions of this Act, or any other law in force in Ontario, and not inconsistent with the by-laws presented in Schedule A to this Act; and they may also from time to time amend or rescind the by-laws, and make new by-laws in lieu thereof, under such restrictions as are in this Act contained. R. S. O. 1887, c. 169, s. 3.

By-laws and documents of corporation; presumptive regularity.

68. All by-laws of the corporation shall be reduced to writing, and shall have affixed thereto the common seal of the corporation, and any copy or extract therefrom, certified under the signature of the secretary or manager, shall be *prima facie* evidence in all civil Courts of Justice in Ontario of such by-laws or extracts from them, and that the same were duly made and are in force; and in any civil action or proceeding it shall not be necessary to give any evidence to prove the seal of the corporation, and documents purporting to be sealed with the seal of such corporation, attested by the president, treasurer or manager thereof, shall be held *prima facie* to have been duly sealed with the seal of the corporation. R. S. O. 1887, c. 169, s. 75. See also 37 V. c. 50 (D), s. 9.

By-laws to be recorded in a book, which is to be accessible.

69. The by-laws of the corporation shall be recorded in a book to be kept by the corporation for that purpose, and to be known as the "By-law Book" of the corporation; and such book shall, during reasonable business hours of every day, except Sundays and holidays, be open for the inspection of any shareholder, by himself or his agent. R. S. O. 1887, c. 169, s. 6; c. 157, s. 53.

Proof of by-laws.

70.—(1) A copy of any by-law of the corporation, under its seal, and purporting to be signed by any officer of the corporation, shall be received as *prima facie* evidence of the by-law in all Courts in Ontario. R. S. O. 1887, c. 157, s. 40.

Examined copy of by-laws entered in book to be evidence.

(2). The entry of the by-laws in the books of the corporation, or a true copy of the same, examined with the original, and proved to be a true copy, shall be received as evidence thereof. R. S. O. 1887, c. 169, s. 8.

Entry of by-laws in book notice to shareholders.

71. The by-laws so recorded shall be binding upon the several shareholders and officers of the corporation and their representatives, and they shall be deemed to have full notice thereof by such record. R. S. O. 1887, c. 169, s. 7.

Copy of by-laws, etc. to be filed with Registrar.

72. Every loan corporation doing business in Ontario shall file with the Registrar a certified copy of its by-laws, also, within one month of the passing, a certified copy of every addition to, or amendment, or consolidation of the by-laws, made from time to time. Cf. Imp. 37-8 V. c. 42, s. 17.

By-laws to declare how moneys to be applied.

73.—(1). Every Provincial corporation issuing terminating shares shall, in, or by one or more of its by-laws, direct the purposes to which the money from time to time subscribed to, received by and belonging to the corporation, shall be appropriated or apportioned, and in what shares or proportions, and under what circumstances any member, shareholder or other person, may become entitled to such money or any part thereof, in respect of the terminating shares held by them. R. S. O. 1887, c. 169, s. 4.

Moneys not to be misapplied under penalties.

(2). The by-laws shall be complied with and enforced, and the moneys so subscribed to, received by or belonging to the corporation, shall not be diverted or misapplied, either by the directors or any officer, servant, employee or member of the corporation entrusted therewith, under penalty of making full restitution to the corporation, and, if the Court so adjudge, paying also a fine to the corporation of not less than $200, nor more than $2,000, and this liability shall be additional to any liability under the criminal law. Cf. R. S. O. 1887, c. 169, s. 5.

Rules not to be removed by *certiorari*.

74. The by-laws shall not, by *certiorari* or other legal process, be removed into any of Her Majesty's Courts of Record. R. S. O. 1887, c. 169, s. 9.

BOARD OF DIRECTORS, ITS CONSTITUTION AND POWERS.

Shareholders may delegate to directors power to make or amend by-laws.

75. The shareholders assembled in general meeting may by by-law passed in that behalf (of which by-law, as proposed, at least one month's notice shall be given to the shareholders prior to such meeting,) empower the board of directors to make and amend by-laws for the corporation *ad interim*; which by-laws shall (as provided by section 77) have a binding effect until the next general meeting of the corporation; and all acts and orders of the directors under the powers delegated to them shall have the like force and effect as the acts and orders of a general meeting of the corporation. R. S. O. 1887, c. 169, s. 16.

Minute books of corporation.

76. The transactions of all general meetings of the corporation, and of all meetings of the board of directors shall be entered in a book to be known as the Minute Book of the corporation; provided that the transactions of the directors shall at all times be subject to the review, allowance and disallowance of a general meeting of the corporation in such manner and form as the corporation by its by-laws directs and appoints; provided, however, also that all acts and orders of the directors under the powers delegated to them shall have the like force and effect as the acts and order of a general meeting of the corporation. R. S. O. 1887, c. 169, s. 16.

Transactions of directors subject to review.

Proviso.

Confirmation of shareholders.

77. By-laws duly passed by the board of directors pursuant to section 75, shall have a binding effect until the next succeeding general meeting of the shareholders when the said by-laws shall cease to have a binding effect unless confirmed by a two-thirds vote of the shareholders present either in person or by proxy at such meeting, notice being given of the proposed by-laws in the notice calling the meeting; and in default of such confirmation thereat, shall at and from that time only cease to have force, and in that case no new by-law to the same or like effect shall have any force until confirmed at a general meeting of the shareholders. R. S. O. 1887, c. 169, s. 72 (2).

Alteration at general meeting.

78. At such general meeting the shareholders may, by a like vote, alter or amend such by-laws, and may confirm the same as so altered and amended. R. S. O. 1887, c. 169, s. 72 (3); c. 156, s. 15 (*h*); c. 157, s. 37 (*g*). See also 37 V. c. 50, (*D*) s. 1.

Number, powers and duties of directors; and their tenure of office.

79. In every Provincial loan corporation the by-laws shall declare the powers and duties of the directors; also the number of directors constituting the board and their tenure of office, not exceeding two years. Provided that where the tenure of office is for one year only the number of directors constituting the board shall be not less than three nor more

than nine; provided also that, where the tenure of office is for two years the number of directors constituting the board shall be not less than four nor more than ten, and one-half of the directors shall retire annually at the general meeting in rotation, but these and all other retiring directors shall if otherwise qualified be eligible for re-election. Cf. R. S. O. 1887, c. 156, secs. 11, 12.

Ballot; qualification of directors.

80. Election of directors shall be by ballot, but no person shall be elected or nominated as director unless he is of the full age of twenty-one years and is a shareholder holding shares or stock absolutely in his own right, and is not in arrear in respect of any call or contribution thereon. Cf. R. S. O. 1887, c. 156, s. 10, s. 12.

Provision in case of failure of election.

81. If at any time an election of directors is not made, or does not take effect at the proper time, the company shall not be held to be thereby dissolved, but the election may take place at any general meeting of the corporation duly called for that purpose, and the retiring directors shall continue in office until their successors are elected. R. S. O. 1887, c. 156, s. 13.

Interim vacancies.

82. Vacancies occurring in the board of directors may be filled for the unexpired remainder of the term by the board from among the qualified shareholders of the corporation. R. S. O. 1887, c. 156, s. 12 (5).

Powers of directors to be declared by by-laws.

83. In every Provincial loan corporation the powers of the directors shall, subject to this Act, be declared by the by-laws of the corporation and they shall continue to act during the time appointed by the by-laws; and the directors shall and may lawfully exercise all the powers of the corporation except as to such matters as are directed by law or by the by-laws of the corporation to be transacted at a general meeting thereof. R. S. O. 1887, c. 169, s. 13, s. 73.

Directors; officers of Board.

84. The directors shall from time to time elect from among themselves a president and vice-president, and they shall in all things delegated to them act for and in the name of the corporation, and the concurrence of a majority of the directors present at any meeting shall at all times be necessary to any act of the board. R. S. O. 1887, c. 169, s. 15.

Delegated powers to be recorded in minute book.

85. In case directors are appointed by the board for a particular purpose, the powers delegated to them shall be reduced to writing and entered in the minute book of the corporation. R. S. O. 1887, c. 169, s. 14.

Transactions of Board to be entered, and to be subject to review.

86. The transactions of the board shall be entered in the minute book of the corporation, and shall at all times be sub-

ject to the review, allowance and disallowance of the shareholders in general meeting in such manner and form as the by-laws of the corporation direct and appoint. R. S. O. 1887, c. 169, s. 17.

General powers of directors.

87. Subject to this Act, and to any Act or instrument constituting the corporation and to the by-laws of the corporation, the directors may use and affix, or may cause to be used and affixed, the seal of the corporation to any document or paper which in their judgment may require the same, they may make and enforce the calls upon the shares of the respective shareholders; they may declare the forfeiture of all shares on which such calls are not paid; they may make any payments and advances of money they may deem expedient which are authorized to be made by or on behalf of the corporation, and enter into all contracts for the execution of the purposes of the corporation, and for all other matters necessary for the transaction of its affairs; they may generally deal with, treat, sell and dispose of the lands, property and effects of the corporation, for the time being, in such manner as they deem expedient and conducive to the benefit of the corporation, as if the same lands, property and effects were held and owned according to the tenure and subject to the liabilities, if any, from time to time affecting the same, not by a body corporate, but by any of Her Majesty's subjects being of full age; they may do and authorize, assent to or adopt, all acts required for the due exercise of any further powers and authorities from time to time conferred by the Legislature R. S. O. 1887, c. 169, s. 74; c. 156, s. 14, also 37 V. c. 50 (D), s. 8.

By-laws for particular purposes.

88. The directors of any Provincial loan corporation may, from time to time, make by-laws, not contrary to law or to the special Act, or to this Act, to regulate:

Stock.

(*a*) The allotment of stock, the issue of shares, the making of calls thereon, the payment thereof, the issue and registration of certificates of shares or stock, the forfeiture of shares for non-payment, the disposal of forfeited shares and of the proceeds thereof, the transfer of shares or stock, the subdivision of existing shares into shares of smaller amount. R. S. O. 1887, c. 157, s. 37 (17).

Dividends.

(*b*) The declaration and payment of dividends.

Directors.

(*c*) The number of directors, their term of service, the amount of their stock qualification;

Officers.

(*d*) The appointment, functions, duties and removal of all agents, officers and servants of the corporation, the security to be given by them to the corporation and their remuneration;

Annual meetings.

(*e*) The time at which and place where the annual meetings of the corporation shall be held;

Procedure.

(*f*) The calling of meetings, regular and special, of the board of directors, and of the corporation, the quorum, the requirements as to proxies and the procedure in all things at such meetings;

Miscellaneous.

(*g*) The imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and,

By-laws to be confirmed.

(*h*) The conduct in all other particulars of the affairs of the corporation:

and may from time to time repeal, amend or re-enact the same; but every such by-law and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the corporation having notice of such proposal, shall only have force until the next annual meeting of the corporation, and in default of confirmation thereat, shall, at and from that time only, cease to have force; and in that case no new by-law to the same or like effect shall have any force until confirmed at a general meeting of the corporation. R. S. O. 1887, c. 156, s. 15; c. 157, s. 37.

BOOKS TO BE KEPT BY CORPORATIONS.

Record books to be kept, and what to contain.

89.—(1) Every loan corporation constituted by the Province, or having its head office therein, shall cause a book or books to be kept at the head office in the Province by the secretary, or by some other officer especially charged with that duty, wherein shall be kept recorded:

(*a*) A copy of the letters patent or other instrument or Act constituting the corporation, and of any instrument or Act supplementary thereto;

(*b*) All by-laws of the corporation as provided in section 69.

(*c*) The names alphabetically arranged of all persons who are or have been holders of permanent shares or stock; and the address and calling of every such person while such shareholder; and the amounts paid in, and remaining unpaid respectively on the permanent stock of each shareholder; and all transfers of permanent stock in their order as presented to the corporation for entry, with the date and other particulars of each transfer, and the date of the entry thereof;

(*d*) The like particulars respecting holdings and transfers of debenture stock:

(e) The names, address and calling of all persons who are or have been directors of the corporation; with the several dates at which each person became or ceased to be such director. R. S. O. 1887, c. 157, s. 50; 52 V. c. 34, s. 1, 2, 3, 4, 5; R. S. C. c. 119, s. 43.

Books to be open for inspection and taking extracts.

(2) Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open at the chief office of the corporation in the Province for the inspection of shareholders and creditors of the corporation, and their personal representatives; and every such shareholder, creditor or representative may, by himself or his agent, make extracts therefrom. R. S. O. 1887, c. 157, s. 53; R. S. C. c. 119, s. 44.

Books to be *prima facie* evidence.

(3) Such books shall be *prima facie* evidence of all facts purporting to be thereby stated in any action or proceeding against the corporation or against any shareholder thereof. R. S. O. 1887, c. 157, s. 54; R. S. C. c. 119, s. 47.

Forfeiture for neglect.

(4) Every such corporation which neglects to keep such book or books as aforesaid shall be liable to forfeit its registry under this Act; and if incorporated by the Province shall be liable to forfeit also its corporate franchise and rights. Cf. R. S. C. c. 119, s. 46; 52 V. c. 34. s. 5.

Penalty for false entries.

(5) No auditor, director, officer or servant of the corporation shall knowingly make or assist to make any untrue entry in any such book, or shall refuse or neglect to make any proper entry therein, and any person violating the provisions of this section shall, besides any criminal liability which he may thereby incur, be liable in damages for all loss or injury which any person interested may have sustained thereby. R. S. O. 1887, c. 157, s. 55.

Liability for refusal to allow inspection of books.

(6) Any director or officer or employee who refuses to permit any person entitled thereto to inspect such book or books or make extracts therefrom, either by himself or his agent, shall forfeit and pay to the person aggrieved the sum of $100; and in case the amount is not paid within seven days after the recovery of judgment, the Court in which the judgment is recovered, or a Judge thereof, may direct the imprisonment of the offender for any period not exceeding three months unless the amount with costs is sooner paid. R. S. O. 1887, c. 157, s. 56; 52 V. c. 34, s. 6.

Register of securities.

90. A register of all securities held by the corporation shall by it be kept; and within thirty days after the taking of any security, a proper entry, specifying the nature and amount of such security, and the names of the parties thereto, with their proper additions, shall be made in such register. 54 V. c. 38, s. 17.

Terminating Shares Book.

91. In all such corporations where, and so long as there are any holders of terminating shares or stock, a book, to be known as the Terminating Shares Book, shall be kept, in which shall be entered the name, address and calling of every such person while such shareholder; the number and amount of shares from time to time taken by him, and his several payments thereon, the interest or profits earned by his shares, also the repayments or the advances, if any, made by the corporation on account of his shares. In any case of forfeiture of shares there shall be an entry thereof, with the date of the forfeiture. The provisions of subsections 3, 4 and 5 of section 89 shall equally apply to the books prescribed by sections 90, 91

AUDIT: STATEMENTS TO SHAREHOLDERS.

Auditors: term of office and how chosen; qualifications.

92.—(1) In every Provincial loan corporation two or more auditors shall be chosen by the shareholders in general meeting assembled, and the auditors so chosen shall audit the books, accounts and vouchers for the year then current, provided that if any auditorship becomes vacant during the said year, the board of directors may fill such vacancy until the next general meeting of shareholders. Every auditor shall be a competent accountant, not holding nor having for at least two years prior to his becoming auditor, held, any other office or other employment under the corporation. An auditor need not be a shareholder of the corporation. Cf. R. S. O. 1887, c. 169, s. 82 (1).

Removal of auditors; remuneration of auditors and directors.

(2) The removal of the auditors of the corporation, and the remuneration of the auditors and directors shall be determined at general meetings of the shareholders. R. S. O. 1887, c. 169, s. 82 (1).

Periodical financial statement to shareholders.

93.—(1) The treasurer or other principal officer of the corporation shall once at least in every year prepare a general statement of the liabilities and assets of the corporation, (specifying in whose custody or possession the funds and effects of the corporation are then remaining,) together with an account of all sums of money received or expended by or on account of the corporation since the publication of the next preceding periodical statement and bringing forward the cash balance from that statement. R. S. O. 1887, c. 169, s. 43. Cf. Imp. Act 37-8 V. c. 42, s. 40.

Periodical statement to bear auditors' certificate.

(2) Every such periodical statement shall be attested by the signature of the treasurer or other principal officer of the corporation, and shall contain a certificate signed by the auditors stating that they have duly audited the books, accounts, securities and vouchers of the corporation and have found the following result (*stating the result of the audit*); and every shareholder shall be entitled to receive from the corporation, without charge, a copy of such periodical statement so signed and certified. Cf. R. S. O. c. 169, s. 44.

OFFICERS AND SERVANTS; CUSTODY OF BOOKS AND EFFECTS OF CORPORATION.

Directors to appoint officers.

94. Subject to section 92, the directors shall from time to time, at any of their usual meetings, appoint such persons as they think proper to be officers or servants or employees of the corporation, grant such salaries and emoluments as they deem fit, and pay the necessary expenses attending the management of the corporation; and shall from time to time appoint such persons as may be necessary for the purposes of the corporation, for the time and for the purpose expressed in the by-laws of the corporation, and may from time to time discharge such persons, and appoint others in the room of those who vacate, die or are discharged. R. S. O. 1887, c. 169, s. 18.

"Manager" and "Managing Director."

95. The secretary or treasurer or secretary-treasurer of the corporation may be styled "Manager," and when the officer is also a director he may be styled "Managing Director." R. S. O. 1887, c. 169, s. 19.

Certain persons in service of corporation to furnish security.

96. Every officer or other person appointed to any office in anywise concerning the receipt, safe-keeping or proper application of money shall furnish security to the satisfaction of the directors for the just and faithful execution of the duties of his office according to the by-laws of the corporation, and any person entrusted with the performance of any other service may be required by the directors to furnish similar security; and the securities so furnished and then subsisting shall be produced to the auditors as part of the annual audit hereinbefore prescribed. R. S. O. 1887, c. 169, s. 20.

Property, investments, evidence and books of account and record to be the property of the corporation and to vest therein.

97. All real and personal estate, property and effects, and all titles, securities, instruments and evidences, and all rights and claims of or belonging to the corporation shall be vested in the corporation. The books used by any auditor, officer, collector or agent for verifying or for recording moneys received for the corporation shall be the property of the corporation; nor shall the foregoing persons or any solicitor, counsel or other person whatsoever have in these or in any other of the books of account or record of the corporation any ownership or proprietary right, or any right of lien whatsoever; and any person who in contravention of this section, withdraws, withholds or detains any of the said books from the possession or control of the directors, or from the receiver or liquidator of the corporation, shall be guilty of an offence; and the procedure and penalty shall be as in the case of an offence against section 117 of this Act. 55 V. c. 39, s. 30 (4;) Imp. 38-9 c. 60, s. 16.

Penalty.

Representatives of officer of corporation to deliver over papers and moneys after demand.

98. If a person appointed to an office by the corporation or directors, and being entrusted with and having in his possession, by virtue of his office, moneys or effects belonging to the corporation, or deeds or securities relating thereto, dies or

becomes bankrupt or insolvent, his legal representative, or other person having a legal right, shall, within fifteen days after demand made by the order of the board of directors of the corporation assembled at any meeting thereof, deliver over all things belonging to the corporation to such persons as the directors appoint. R. S. O. 1887, c. 169, s. 40.

ANNUAL STATEMENT TO DEPARTMENT: REGISTRAR'S REPORT.

Annual statement.

99.—(1) It shall be the duty of the presiding officer and the manager or secretary of every registered loan corporation to prepare annually on the 1st day of January, or within two months thereafter, according to a printed form to be supplied on application to the Corporations Registrar, a statement of the financial condition and affairs of the corporation for the purposes of this Act; and the statement, having been signed and sworn to by the president or vice-president and the manager or secretary, shall, together with a certified copy of the auditor's statement or certificate, be filed with the Registrar on or before the 1st day of March then next ensuing; and any corporation refusing or neglecting to so file its statement or to make prompt and explicit answer to any inquiries then or at any time put by the Registrar touching the corporation's contracts or finances shall be liable to suspension or cancellation, or non-renewal of registry; and to a penalty of $50 for each day of default in filing, but not exceeding in the whole $1,000. R. S. O. 1887, c. 169, secs. 83, 84; 55 V. c. 39, s. 47 (1).

Refusal of information.

Who may administer oaths under the Act.

(2) The financial statement required by the next preceding sub-section may be sworn to before any Justice of the Peace, Notary Public, or Commissioner of the High Court for taking affidavits, and every such person is hereby authorized to administer an oath for purposes of any document required or permitted by this Act. 55 V. c. 39, s. 47 (2).

Copy of periodical statement or statements.

100. Together with the statement mentioned in section 99 the corporation shall file a certified copy of the statement or statements furnished to shareholders during the year then ended.

Registrar's Annual Report.

101. From the statements so filed the Corporations Registrar shall cause to be prepared, printed and distributed a report which may be known as the Loan Corporations Statements for the year ending 31st December (naming the year), and such report shall include a list of registered loan corporations brought up to its actual date of publication. 55 V. c. 39, s. 48. Cf. Imp. 57-8 Vic. c. 47, s 27.

Registrar not to vouch for financial condition or solvency of any corporation

102.—(1) The Registrar shall not in any initial or renewal certificate of registry or in any other publication, or otherwise, vouch for the solvency or financial standing of any corporation;

nor shall the printing of a corporation's statement in the Registrar's report, operate, or be anywise construed as a warranty of solvency. 55 V. c. 39, s. 22 (1).

Misrepresentation of registry.

(2) No corporation shall under penalty of becoming entitled to registry, circulate, publish, print or make any statement or representation contrary to the intent of this section; and any auditor, officer, servant, employee or agent of the corporation who uses any such contrary statement or representation for the purpose of obtaining or transacting business shall be guilty of an offence, and shall upon summary conviction thereof before any Police or Stipendiary Magistrate or two Justices of the Peace having jurisdiction where the offence was committed be liable as for an offence against section 117 of this Act, and the procedure and penalty presented by the said section shall equally apply in the case of an offence committed against this section. 55 V. c. 39, s. 22 (3).

Penalty.

REGISTRAR; REGISTERS; PROCEEDINGS TO REGISTRY.

Appointment of Registrar and assistants.

103.—(1) The Lieutenant-Governor in Council may appoint an efficient officer of the public service as the Corporations Registrar and such assistants as may be necessary.

(2) The remuneration of the Registrar and such assistants in respect of the services required by this Act shall be such sums as the Legislature shall from time to time provide for the purpose. 55 V. c. 39 s. 7 (3.)

Three registers to be kept.

104. On the passing of this Act, the Registrar shall cause to be opened and kept three several registers, to be known and distinguished as follows :—

Loan Companies' Register.

(1) The Loan Companies' Register; whereon shall be recorded the names of such loan corporations as are from time to time found entitled to registry, whose powers do not include the business of buying and selling land, or the business of a corporate trustee, executor, administrator, guardian, receiver, or assignee. Cf. R. S O. 1887, c. 157, s. 78 (2); 58 V. c 32, Schedule A.

Loaning Land Companies' Register.

(2) The Loaning Land Companies' Register, whereon shall be entered the names of such loan corporations as are from time to time found entitled to registry, whose powers include the business of buying and selling land, but not the business of a corporate trustee, executor, administrator, guardian, receiver or assignee.

Trusts Companies' Register.

(3) The Trusts Companies' Register; whereon shall be entered the names of such loan corporations as are from time to time found entitled to registry, whose powers include the business of a corporate trustee, executor, administrator, guardian, receiver or assignee, but do not include the business of buying and selling land as principal.

Duties of Registrar.

105.—(1) The duty of determining, distinguishing and registering these corporations which under this Act are re-

quired to be registered and are legally entitled to registry, and of granting registry accordingly, shall devolve upon the Corporations Registrar, subject to appeal as hereinafter provided. 55 V. c. 39, s 7 (1).

Evidence.

(2) For purposes of his duties under this Act the Registrar may require to be made, or may take and receive affidavits or depositions, and may examine witnesses upon oath. 55 V. c. 39, s. 7 (2).

(3) The evidence and proceedings in any matter before the Registrar may be reported by a stenographic writer who has taken an oath before the Registrar to faithfully report the same. 55 V. c. 39, s. 50 (4).

Declaration now filed with Clerks of Peace to be sent to Registrar.

106.—(1) On the passing of this Act all declarations or articles of incorporation of loan companies or building societies (under any former Act of the Province, or any of the Acts by this Act repealed) which are now filed with the Clerk of the Peace of any county, or division or union of counties, shall be taken off the file, and transmitted by the Clerk of the Peace to the Corporations Registrar together with a schedule in duplicate of the instruments so sent; and a receipt by the Registrar for the instruments by him received shall discharge the Clerk of the Peace from all further responsibility in respect of the instruments so sent and received. Cf. Imp. 37-8 V. c. 42, s. 10.

(2) After the issue of the charter to any corporation the Provincial Secretary shall transfer all papers in his Department connected with such company to the office of the Registrar.

Applications for initial registry.

107.—(1) Applications of loan corporations for initial registry under this Act, shall be made according to a form to be supplied on request, and the applicant shall deliver to the Registrar the application duly completed, together with such evidence as the form by its terms requires, and the applicant shall (if required) furnish such further information, material and evidence, or give such public notice of the application as the Registrar shall direct; in the case of loan corporations operating in the Province at the passing of this Act, such corporations shall make due application for registry on or before the 30th day of June, 1897. 55 V. c. 39, s. 12 (1).

Extension of time.

(2) On sufficient cause shown, and upon payment to the Provincial Treasury of the fee hereinafter prescribed, the Registrar may, by writing under his hand and the seal of the Department, extend the time for the delivery of an application (either before or after the said 30th day of June), or for the prosecution or completion of an application already delivered or tendered. 55 V. c. 39, s. 12 (2).

Financial statement to accompany application.

(3) The applicant corporation shall with its application file a financial statement (in such form as is required by the Registrar), of the financial condition and affairs of the corporation on the 31st day of December then next preceding, or up to the

usual balancing day of the corporation, if such balancing day is not more than twelve months before the filing of the statement; and such statement showing the corporation to be solvent shall be signed and verified as prescribed in section 99. 55 V. c. 39, s. 13.

Power of attorney to receive process, etc., must accompany applications in certain cases.

108.—(1) Where any corporation applying for registry has its head office elsewhere than in Ontario, its application for registry shall be accompanied by a power of attorney from the corporation to an agent resident in Ontario; the power of attorney shall be under the seal of the corporation, and be signed by the president and secretary or other proper officers thereof in the presence of a witness, who shall make oath or affirmation as to the due execution thereof; and the official positions in the corporation held by the officers signing such power of attorney shall be sworn to or affirmed by some person cognizant of the facts necessary in that behalf. 55 V. c. 39, s. 14 (1).

Contents of power of attorney.

(2) The power of attorney shall declare at what place in the Province the chief agency of the corporation is, or is to be established, and shall expressly authorize such attorney to receive service of process in all actions and proceedings against the corporation in the Province for any liabilities incurred by the corporation therein, and also to receive from the Registrar all notices which the law requires to be given, or which it is thought advisable to give, and shall declare that service of process for or in respect of such liabilities, and receipt of such notices at such office or chief agency, or personally, on or by such attorney at the place where such chief agency is established, shall be legal and binding on the corporation to all intents and purposes whatsoever. 55 V. c. 39, s. 14 (2).

Filing of power of attorney.

(3) The power of attorney duly executed shall be filed with the Registrar. 55 V. c. 39, s. 14 (3).

Changes in chief agent or agency.

(4) Whenever the corporation changes its chief agent or chief agency in the Province, the corporation shall file with the Registrar a power of attorney as hereinbefore mentioned, containing any such change or changes in such respect and containing a similar declaration as to service of process and notices as hereinbefore mentioned. 55 V. c. 39, s. 16.

Service of process thereafter.

(5) After the power of attorney is filed as aforesaid any process in any action or proceeding against the corporation for liabilities incurred in the Province, may be validly served on the corporation at its chief agency; and all proceedings may be had thereon to judgment and execution in the same manner and with the same force and effect as in the proceedings in a civil action in the Province. provided that nothing herein contained shall render invalid, service in any other mode in which the corporation may be lawfully served. 55 V. c. 39, s. 17 (1).

Substitutional service of process.

(6) If the power of attorney becomes invalid or ineffectual from any reason, or if other service cannot be effected, the Court or a Judge may order substitutional service of any process or proceeding to be made by such publication as is deemed requisite to be made in the premises, for at least one month in at least one newspaper; and such publication shall be held to be due service upon the corporation of such process or proceeding. 55 V. c. 39, s. 17 (2).

Recording registry; entries on register.

109.—(1) On the proper register the Registrar shall cause to be entered the name of every corporation, which from time to time he, or in case of appeal, the Lieutenant-Governor in Council, shall find legally entitled to registry, together with the date of the commencement of registry; also the term for which (in the absence of suspension, revocation or cancellation,) the registry is to endure; which term shall begin as from the date of the said commencement, and shall end not later than the 30th day of June then next ensuing; he shall also cause to be entered on the register the place where the head office, and the chief agency (if any) are situated, and if there is a chief agency, the name and address of the chief agent; also, if during the term, the registry has been suspended, or revived, or revoked, or cancelled, the date and authority for such suspension, revivor, revocation, or cancellation. 55 V. c. 39, s. 18 (1).

Issue of certificate of registry.

(2) To all corporations found entitled to registry, or renewal of registry, and registered accordingly, the Registrar shall issue under his hand and the seal of the Department a certificate of registry, initial or renewed, as the case may be, setting forth that it has been made to appear to him that the corporation is entitled to registry as a (*describing the corporation*) under this Act, and that the corporation is accordingly registered for the term stated in the certificate. Every certificate of registry granted under this Act shall specify the first day, and also the last day, of the term for which the corporation is registered; and the corporation so registered shall be deemed to be registered from the commencement of the first day to the end of the last day so specified. 55 V. c. 39, s. 18 (2); s. 26 (5).

Commencement and end of certificates.

Duration of registry.

(3) In the case of all loan corporations any certificate of registry issued under this Act not being an interim or an extended certificate, shall, unless sooner suspended or cancelled, remain valid until the then next ensuing thirtieth day of June inclusive, when, if the corporation has complied with the law and continues solvent, the corporation shall be entitled to a certificate of renewed registry, and so, on every succeeding thirtieth day of June thereafter. 55 V. c. 39, s. 20.

Interim certificate:

(4) Upon proof that a corporation has, by accident or unavoidable cause, been prevented from fully complying with the provisions of this Act within the time prescribed, and upon payment to the Provincial Treasury of the fee herein-

after enacted, the Registrar may by writing under his hand and the seal of the Department, grant, for a time limited therein, an interim certificate of registry, or may by such sealed writing extend for a limited time, the duration of a subsisting certificate of registry; but in default in either case of renewal of registry before the expiry of the time so limited, the corporation shall be deemed to be unregistered at and from the said expiry. 55 V. c. 39, s. 21. Extension of certificate.

CORPORATE NAME: CHANGE OF NAME OR OF HEAD OFFICE.

110.—(1) No corporation shall be registered under a name identical with that under which any other existing corporation is registered, or so nearly resembling such name as to be likely, nor shall be registered under any other name likely, in the opinion of the Registrar, to deceive the members or the public as to its identity; and no registered corporation shall be registered under a new or a different name, except upon proof that such new or different name is authorized by law. 55 V. c. 39, s. 23. Similar corporate names: New name:

(2) Where a loan corporation within the legislative authority of this province is desirous of adopting a name different from that by which it was incorporated, or where, in the opinion of the Registrar, the name by which the corporation was incorporated may be easily confounded with that of any other existing corporation, the Lieutenant-Governor in Council, may change the name of the corporation to some other name to be set forth in the order in Council but no such change of name shall affect the rights or obligations of the corporation, and all proceedings which might have been continued or commenced by or against the corporation by its former name may be continued or commenced by or against the corporation by its new name. 55 V. c. 39, s. 24 (1). Change of corporate name.

(3) Upon the like procedure the location of the head office of a loan corporation may be changed. Change of head office.

(4) Of any change of name or head office, and of any application for such change, such public notice shall be given in the *Ontario Gazette* and otherwise, as the Registrar shall direct. 55 V. c. 39, s. 24 (2). Public notice.

CORPORATIONS ADMISSIBLE TO REGISTRY: REFUSAL, SUSPENSION, REVIVOR, CANCELLATION OF REGISTRY: APPEAL.

111. The following corporations, being solvent, shall, upon due application, be admissible to registry, and no other shall be registered:— What shall be admissible to registry as loan corporation.

(1) Loan corporations hereafter duly constituted under the law of the Province. Corporations hereinafter constituted by the Province.

Active corporations in present *bona fide* operation in the Province.

(2) Every loan corporation, which being duly constituted under the law of this Province, or of any other Province of Canada, or of the Dominion of Canada, or of the United Kingdom, was in actual, active and *bona fide* operation in Ontario on the tenth day of February, 1897. R. S. O. 1887, c. 169. secs. 1, 2 (1); 54 V. c. 38, secs. 3, 15; R. S. O. 1887, c. 168, s. 1; 56 V. c. 30, 1; R. S. O., c. 157, s. 3, as amended by 56 V. c. 30, s. 2, and by 57 V. c. 47, s, 2; 58 V. c. 32, schedule.

Certain non-Provincial corporation, not in present actual operation in the Province.

(3) Every loan corporation, which being duly constituted as a joint stock corporation under the law of any other Province of Canada, or of the Dominion of Canada, or of the United Kingdom, issues only permanent shares, and which, not having been in such operation in Ontario on the said day, has a subscribed permanent stock of not less than $500,000, whereof $100,000 is paid up and unimpaired.

Suspension or cancellation of registry.

112.—(1) Upon proof that any registry or certificate of registry has been obtained by fraud or mistake, or that a corporation exists for an illegal purpose, or is insolvent, or has failed to pay its obligations, or has wilfully, and after notice from the Registrar, contravened any of the provisions of this Act, or has ceased to exist, the registry of the corporation may be suspended or cancelled by the Registrar. 55 V. c. 39, s. 25 (1); Imp. 57-8 V. c. 47, s. 6 (1).

Notice of suspension or cancellation of registry to be given to the corporation.

(2) On the suspension or cancellation of the registry of any corporation, the Registrar shall, by registered post or otherwise, cause notice thereof, in writing under his hand, to be delivered to the corporation at its head office, whether situate in the Province or elsewhere, or at the chief agency of the corporation in Ontario; and from and after such suspension or cancellation, the corporation shall (except in event of and after revivor) absolutely cease to transact or undertake the business of a loan corporation in Ontario, except so far as necessary for the winding up of such business, and so as not to prejudice any liability actually incurred by such corporation, which may be enforced against the same as if such suspension or cancellation had not taken place. 55 V. c. 39, s. 25 (2).

Decision of Registrar to be in writing and to be delivered to corporation.

113.—(1) Where in any disputed case the Registrar decides that a corporation is or is not legally entitled to registry, or to renewal of registry, or where he suspends, revives, revokes or cancels the registry of a corporation, the Registrar, except as otherwise herein provided shall give his decision in writing and shall cause a copy thereof certified under the seal of the Department to be delivered by registered post or otherwise to the corporation at its head office, or chief agency in Ontario. 55 V. c. 39, s. 50 (1).

(2) A certified copy of any such decision, or of any certificate of registry may be had on application to the Registrar, and upon payment to the Provincial Treasurer of the fee hereinafter prescribed. 55 V. c. 39, s. 50 (2). Certified copy of judgment, or of a certificate of registry.

(3) The affidavits and depositions received or taken by the Registrar in any disputed case shall be filed. Affidavits and depositions to be filed.

114.—(1) An appeal shall be to the Lieutenant-Governor in Council from any decision of the Registrar affecting the right of any corporation or company to register ; or affecting the revivor of registration of any company or corporation, or suspending or cancelling the registration of any company or corporation, and from any decision of the Registrar under sections 109, 110, or in any other case by leave of the Lieutenant-Governor in Council. Appeal to the Lieutenant-Governor in Council.

(2) Unless otherwise ordered by the Lieutenant-Governor in Council no appeal shall be allowed unless notice thereof is delivered to the Registrar within thirty days after the decision appealed against has been made ; nor unless there is therewith delivered to the Registrar a statement setting out clearly the grounds of appeal, including the facts alleged and the points of law to be argued, and the evidence and authorities relied upon. Notice of appeal ; and grounds.

(3) The decision of the Lieutenant-Governor in Council shall be final and conclusive. Decision.

115. The Registrar may, if he thinks fit, at the request of the corporation, evidenced in such manner as he may direct, cancel the registry of the corporation. Imp. 57-8, V. c. 47, s. 6 (4). Cancellation of registry by request of corporation.

NOTICE TO CORPORATION FOR ANY PURPOSE OF THE ACT.

116. Delivery of any written notice to any loan corporation for any purpose of this Act, where the mode thereof is not otherwise expressly provided, may be by letter delivered at the head or chief office of the corporation in Ontario or chief agency therein, or by registered post letter addressed to the corporation, its manager or agent at such chief office or agency, or by such written notice given in any other manner to an authorized agent of the corporation. 55 V. c. 39, s. 43. Service of papers.

UNREGISTERED LOAN CORPORATIONS PROHIBITED.

117.—(1) After the thirty-first day of December, 1897, no incorporated body or persons acting in its behalf, other than a corporation standing registered under this Act, and persons duly authorized by such registered corporation to act in its behalf, shall undertake or transact the business of a loan corporation in the Province, as such business is described in sub-section 5 of section 2 of this Act. In the case of any loan corporation whatsoever any setting up or exhibiting of a No unregistered corporation to undertake the business of a loan corporation.

sign or inscription containing the name of the corporation, or any distribution or publication of any proposal, circular, card, advertisement, printed form or like document in the name of the corporation, or any written or oral solicitation in the corporation's behalf, or any collecting or taking of money on account of shares or of loans or advances shall, both as to the corporation and as to the person acting or purporting to act in its behalf, be deemed undertaking the business of a loan corporation within the meaning of this section. 55 V. c. 39, s. 27 (1); s. 2 (4); 58 V. c. 34, s. 2 (1).

No person to act as agent for unregistered loan corporation.

(2) If any promoter, organizer, office-bearer, manager, director, officer, collector, agent, employee, or person whatsoever, undertakes or transacts the business of a loan corporation which does not stand registered under this Act, he shall be guilty of an offence and upon summary conviction thereof before any Police or Stipendiary Magistrate or two Justices of the Peace having jurisdiction where the offence was committed shall be liable to a penalty not exceeding $200 and costs, and not less than $20 and costs; and in default of payment the offender shall be imprisoned with or without hard labor for a term not exceeding three months, and not less than one month; and on a second or any subsequent conviction he shall be imprisoned with hard labor for a term not exceeding twelve months, and not less than three months. 55 V. c. 39, s. 29 (2).

Penalty.

Informant; application of fine.

(3) Any one may be prosecutor or complainant under this Act; and one half of any fine imposed by virtue of this Act shall, when received, belong to Her Majesty, for the use of the Province, and the other half shall belong to the prosecutor or complainant. 55 V. c. 39, s. 27 (3).

Appeal.

(4) Any person convicted under this Act who gives notice of appeal against the decision shall be required before being released from custody to give to the Magistrate or Justices satisfactory security for the amount of the penalty, and the costs of conviction and appeal; and the appeal shall be to a Divisional Court of the High Court. 55 V. c. 39, s. 27 (4); 58 V. c. 34, s. 5 (9).

Burden of proof.

(5) In any trial or cause or proceeding under this Act the burden of proving registry shall be upon the corporation or person charged. 55 V. c. 39, s. 27 (5).

Limitations of prosecutions.

(6) All information or complaints for the prosecution of offences under this Act shall be laid or made in writing within one year after the commission of the offence. 55 V. c. 39, s. 27 (6).

VERIFICATION OF ANNUAL STATEMENTS MADE TO REGISTRAR: SPECIAL AUDIT.

Registrar to have access to corporation books, etc.

118.—(1) The Registrar or any person authorized under his hand and seal shall have at any time within reasonable business hours of every day except Sundays and holidays

access to the books, vouchers, securities and documents of any corporation, undertaking or transacting in the Province the business of a loan corporation; and any officer or person in charge, possession, custody or control of such books, vouchers, securities or documents refusing or neglecting to afford such access, shall be guilty of an offence punishable as for an offence against section 117, the procedure and penalty prescribed by which section shall equally apply in the case of an offence against this section; and if registered, the corporation shall be liable to have its registry suspended; and on continued refusal or neglect to afford such access, shall be liable to have its registry cancelled. 55 V. c. 39, s. 45, as amended by 58 V. c. 34, s. 6 (8); Cf. R. S. O. 1887, c. 169, s. 87.

Special audit in case of fraud, illegal acts, or default of audit or financial statement.

(2) If a loan corporation is three months in default in the delivery of the financial statement required by section 99 of this Act; or upon proof that the accounts of a loan corporation have been materially and wilfully falsified, or that for eighteen consecutive months there has been no *bona fide* audit of the books and accounts; or if there is filed with the Registrar a requisition for audit bearing the signature, addresses and occupations of at least twenty-five shareholders of the corporation, and such requisition alleges in a sufficiently particular manner to the satisfaction of the Registrar, specific fraudulent or illegal acts, or repudiation of contracts, or insolvency, the Registrar may nominate a competent accountant, who shall under the directions of the Registrar, make a special audit of the corporation's books, accounts and securities, and report thereupon to the Registrar in writing, verified upon oath. 55 V. c. 39, s. 30 (1); 58 V. c. 34, s. 5 (10). R. S. O. 1887, c. 169, secs. 85, 87; Cf. Imp. Act 57-8 V. c. 47, s. 4.

Credentials of auditor.

(3) For purposes of this Act a special auditor shall be sufficiently accredited, if he deliver to the secretary, or to any managing officer of the corporation a written statement under the hand and seal of the Registrar, to the effect that the Registrar has nominated such auditor to audit the books, accounts and securities of the corporation. 55 V. c. 39, s. 30 (2); 58 V. c. 34, s. 5 (10).

Expense of special audit.

(4) The expense of such special audit shall be borne by the corporation, and the auditor's account therefor when approved in writing by the Registrar shall be conclusive and shall be payable by the corporation forthwith:

Provided that when an audit is requested as in sub-section 2, the persons so requesting it shall, together with their requisition, deposit with the Registrar proper security for the costs of the audit in a sum not exceeding $300 as he shall determine; and when the facts alleged in the requisition appear to the Registrar to have been partly or wholly disproved by the audit, he may pay the costs thereof partly or wholly out of the deposit. 55 V. c. 39, s. 30 (3); 58 V. c. 34, s. 5 (10); R. S. O. 1887, c. 169, s. 90.

Untrue entries, etc.

(5) Every auditor, director, officer, manager, agent, collector, servant or employee of the corporation, who knowingly makes or publishes, or assists to make or publish any wilfully false statement respecting the corporation's financial affairs, or who makes or assists to make any untrue entry in any book of record, entry or account, or who refuses or neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected or audited either for the general purposes of the corporation, or for the purposes of this Act, and extracts to be taken therefrom, shall be guilty of an offence and upon summary conviction thereof before any Police or Stipendiary Magistrate or two Justices of the Peace where the offence was committed, shall be imprisoned in any gaol of the Province with or without hard labor, or in the Central Prison, for a period not exceeding twelve months. 55 V. c. 39, s. 30 (5); 58 V. c. 34, s. 5 (10); R. S. O. c. 119, s. 45; c. 131, s. 18; R. S. O.1887, c. 167, s. 142. Imp. 38-9 V. c. 60, s. 32 (1).

Where Corporation refuses or obstructs audit.

(6) When a corporation by its officer, employee, servant or agent having in his custody, possession or power the funds, books, vouchers, securities, or documents of the corporation refuses to have the same duly audited as provided by section and by this section, or obstructs an auditor in the performance of his duties, the Registrar upon proof of the fact may suspend or cancel the registry of such corporation. 55 V. c. 30, (6); 58 V. c. 34, s. 5 (10). R. S. O. 1887, c. 169, s 87; Imp. 38-9 V. c. 50, s. 32.

Report of special auditor.

(7) If the report made by the special auditor appears to the Registrar to disclose fraudulent or illegal acts on the part of the corporation, or a repudiation of its contracts, or insolvency, the Registrar shall notify the corporation accordingly and furnish the corporation with a copy of the special auditor's report allowing two weeks for a statement in reply to be filed by the corporation with the Registrar. 55 V. c. 39, s. 31 (1); 58 V. c. 34, s. 5 (10); Cf. R. S. O. 1887, c. 169, s. 90.

Registrar's decision.

(8) Upon consideration of the special auditor's report and of the corporation's statement in reply, and of such further evidence, documentary or oral, as the Registrar may require, the Registrar shall render his decision in writing, and may thereby continue, or suspend, or cancel the registry of the corporation. 55 V. c 39, s. 31 (2); 58 V. c. 34, s. 5 (10); Imp. 57-8 V. c. 47, s. 7 (2).

Official seal.

119. The Registrar shall have a seal of office which shall bear upon its face the words "Registrar of Loan Corporations."

FEES.

Fees payable to Provincial Treasurer.

120.—The fees by this section prescribed shall be payable to the Provincial Treasurer of Ontario; and the duplicate of the Treasurer's receipt shall be filed with the proper officer.

Time of payment.

In the case of an application or other document or instrument to be filed, examined or deposited, the fees shall be paid before the application or other document or instrument is considered; in the case of registry or certificates of registry the fee shall be paid before the corporation is registered.

Fees for incorporation.

1. The fees for incorporation under this Act shall be as shall be prescribed by the Lieutenant-Governor in Council by order made in that behalf.

2. Application for initial registry, s. 107	5.00
3. Extension of time for making application, s. 107	2.00
4. Filing power of attorney in case of corporations mentioned in s. 108	5.00
5. Filing new power or change of attorney, s. 108	5.00
6. Certificate of initial or renewed Registry, s. 109:—	
(*a*) Where assets of corporation amount to $500,000 or under	50.00
(*b*) Where assets of corporation amount to $1,000,000 or more than $500,000	100.00
(*c*) Where assets of corporation amount to $2,000,000 or more than $1,000,000	150.00
(*d*) Where assets of corporation amount to $3,000,000 or more than $2,000,000	175.00
(*e*) Where assets of corporation amount to over $3,000,000	200.00

Proviso.

Provided that for the purposes of this article capital stock uncalled shall not be deemed an asset;

Provided also that the fee for a certificate of registry covering a period of not more than six months shall be one-half of the above amounts respectively. 58 V. c. 34, s. 9.

7. Interim certificate of registry, or extension of certificate, s. 109	$ 5.00
8. Revivor of registry after suspension: s. 29.	
For corporation in Article 6 (*a*) of this section	10.00
For corporation in Article 6 (*b*) of this section	15.00
For corporation in Article 6 (*c*) of this section	20.00
For corporation in Article 6 (*d*) of this section	25.00
For corporation in Article 6 (*e*) of this section	30.00
9. Change of corporate name, s. 110	10.00
10. Change of Head Office, s. 110	10.00
11. Filing annual statement, s. 99	5.00
12. Filing new by-laws or amendments thereto after initial registry, s. 72	2.00
13. Application for increase or decrease of capital stock	10.00
14. Certificate of increase or decrease of capital stock	25.00
15 Copy of decision of Registrar	1 00
16. Certified copy of entry on register	1.00

17. Copies of, or extracts from documents filed with Registrar, per folio 100 words..... .10
Cf. 55 V. c. 39, s. 62.

R. S. O. c. 157 s. 4 amended.

121.—(1) Section 4 of chapter 157 of the Revised Statutes of Ontario, 1887, is hereby amended by inserting in the seventh line thereof after the words "except the," the following words, "business of a loan corporation within the meaning of the Loan Corporations Act, or for." Also subsection 1 of section 1 of chapter 166 of the Revised Statutes, 1887, respecting Co-operative Associations is amended in the sixth line thereof by inserting after the word "insurance" these words: "or the business of a loan corporation within the meaning of The Loan Corporations Act."

Acts in schedule repealed.

(2) The several Acts and parts of Acts specified in schedule B to this Act are hereby repealed.

Inconsistent provisions repealed.

(3) All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Proviso.

Provided that subsections 2 and 3 shall take effect on and from the first day of July, 1897.

Saving clause.

Provided also that no repeal enacted by this section shall prejudice or impair any contract or obligation made under any of the enactments so repealed.

SCHEDULE A.

(Referred to in Section 4.)

Particular matters to be set forth in the by-laws of the body applying for incorporation hereinafter called the applicant:—

Corporate name and head office.

1. The proposed corporate name, and the location of the head office of the corporation.

Purposes.

2. The purposes for which the corporation is to be constituted.

Whether constituted as a company with permanent capital or otherwise.

Particulars of stock.

3. The manner in which the corporation is to be constituted; whether as a temporary or as a continuing corporation; whether as a company with permanent capital, or otherwise; and, if as a company with permanent capital what respective amounts of such capital are, before the commencement of business, to be authorized, subscribed, and paid up; the number of shares and amount of each share of such capital; with the proviso that the said subscribed permanent capital shall be not less than $300,000, with ten per cent. of the subscription paid up; and that a certified copy of the stock subscription book shall be filed with the Registrar, together with the application and by-laws; and with the further proviso that the shares of the said stock or any of the permanent stock of the applicant shall not be issued at a discount, nor upon any terms, agreement or understanding that the taker or holder shall be liable for any less amount than the par value of the shares, less the calls fully paid thereon.

No permanent stock to be issued at a discount.

4. If the plans of the applicant include the issue of terminating stock or shares, then the by-laws shall set forth full and explicit particulars of the terms upon which such stock or shares are to be issued, and will mature, and upon which they become withdrawable by the holder, or redeemable by the corporation. If the plans of the corporation include the issue of permanent shares or stock, either concurrently with, or in substitution for, terminating shares or stock, or include the conversion of terminating into permanent shares or stock, the by-laws shall include full and explicit provisions respecting these matters. Cf. Imp. Act 57-8 V. c. 47, s. 1. By-laws respecting terminating shares. By-laws respecting permanent shares or stock.

5. The by-laws shall include full and explicit provisions respecting the plan or plans on which the corporation is to make loans or advances, the kind of security (principal and collateral) to be taken for the repayment, the rate or rates of interest to be charged; the mode in which such loans or advances are to be repaid to the corporation, and, if by a sinking fund or instalments of blended principal and interest, the by-laws shall include a table resolving each such instalment, or each such payment on account of sinking fund respectively into its components of principal and interest. Loan and securities; repayment.

6. The by-laws of the applicant shall further set forth clearly what period of grace, if any, is to be allowed for the payment of money due, principal or interest; upon what terms or conditions a borrower or member, or shareholder in default is to be reinstated; what fines or forfeitures, if any, are to be imposed for any and for what default or breach of contract; whether in cases where fine or forfeiture is imposed, the corporation claims to exercise any other or further remedy against the defaulter; also whether prior to the exercise of any remedy against a defaulter the corporation is to give him any and what notice. If the provisional corporation by its by-laws takes power to impose fines for defaults, then its by-laws shall further provide that fines upon fines, or compound fines shall not be payable; and shall further provide that the fines at any time payable in respect of any default shall not exceed altogether ten per cent. of the instalment or the sum (not including fines) then in default. Period of grace; default, reinstatement, fines, forfeitures, etc.

7. If the applicant proposes to issue terminating shares, the by-laws shall further set forth the manner in which losses are to be ascertained and provided for. Imp. 57-8 V. c. 47, s. 1 (g). Losses, how ascertained and provided for.

8. If the applicant proposes to issue terminating shares, the by-laws shall further set forth the manner in which the expense or management fund of the corporation is to be provided. Expense fund.

9. The by-laws of every applicant for incorporation shall define and regulate the exercise of such general powers of borrowing as are by this Act conferred upon loan corporations, and shall declare within what limits such borrowing powers are to be exercised, and whether by issuing prepaid or fully paid terminating stock, or by issuing debentures or debenture stock, or otherwise. If prepaid terminating stock is to be issued, then the by-laws shall set out the terms upon which such stock is to be issued and withdrawn or redeemed and shall include tables showing separately the estimated amount to become due by the corporation for principal and for interest. Borrowing powers.

10. In furtherance of and subject to the provisions contained in this Act, the by-laws shall provide for the holding of general meetings, ordinary and special, of the shareholders; shall prescribe the time and place of the ordinary general meetings, of which one at least shall be held in each year; shall prescribe the notice to be given of ordinary general meetings, and the notice to be given of special general meetings; shall provide for the election of directors, prescribe their number, their powers, duties, and tenure of office; shall prescribe the securities, and the minimum amount thereof to be taken for the fidelity of the person or persons having custody or control of the funds of the corporation; shall provide for the proper audit at least yearly, of its books and accounts by two or more competent accountants who shall not be otherwise employed by the corporation, or be officers thereof; and shall prescribe the delivery to By-laws for general meetings, etc. Directors, officers, and servants. Audits.

Statements to shareholders.

each shareholder at least once in each year, of a financial statement verified by the auditors, showing fully and truly the income and expenditure (including the expenses of management) of the corporation for the period audited, and the liabilities and assets of the corporation as at the date of the statement.

Amendment of by-laws.

11. The by-laws shall, subject to the provisions of this Act, provide for the amendment of the by-laws by the shareholders in general meeting, after at least thirty days' notice in writing of the particular amendment or amendments proposed has been given to each shareholder and to the Registrar.

Taker of terminating shares entitled to copy of by-laws.

Copies to be on sale.

12. The by-laws of every applicant company taking power to issue terminating shares shall provide that to every person taking such shares there shall be delivered without charge a copy of the by-laws then in force; and on the tender of twenty-five cents, a copy of the by-laws for the time being in force shall be delivered to any person on demand. 55 V. c. 39, s. 32; Imp. 37-8 V. c. 42, s. 17; Imp. 38-9 V. c. 60, s. 13 (5); Imp. 39-40 V. c. 45, s. 9 (5); R. S. O. c. 131, s. 15.

SCHEDULE B.

(*Referred to in Section 121.*)

Acts and parts of Acts repealed.

Section and Chapter.	Title or Short Title.	Extent of Repeal.
1887, R. S. O. chap. 169..	An Act respecting Building Societies.	The whole.
1889, 52 Vic. chap. 34....	An Act to amend the Revised Statute respecting Building Societies.	The whole.
1890, 53 Vic. chap. 12....	An Act respecting certain Statistical Returns.	Sections 4, 5, 6.
1891, 54 Vic. chap. 38....	An Act respecting Loan Companies.	The whole.
1892 55 Vic. chap. 40....	An Act to amend the Act respecting Building Societies.	The whole.
1893, 56 Vic. chap. 30....	An Act for the relief of Loan Companies incorporated out of Ontario.	The whole.
1893, 56 Vic. chap. 31....	An Act respecting Building Societies.	The whole.
1894, 57 Vic. chap. 47....	An Act respecting Companies licensed under the Revised Statute authorizing Corporations and Institutions incorporated out of Ontario to lend and invest moneys therein.	The whole.
1896, 59 Vic. chap. 46....	An Act respecting Building Societies.	The whole.

No. 94.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to consolidate and amend the law respecting Building Societies and other Loan Corporations.

First Reading, 1st March, 1897.

Mr. GIBSON,
(Hamilton.)

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No. 94.] **BILL.** [1897.

An Act to consolidate and amend the law respecting Building Societies and other Loan Corporations.

SHORT TITLE, s. 1.

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Loan Corporations Act.*

Interpretation.

2. Where the following words and expressions respectively occur in this Act, or in the schedules hereto, they shall be construed for purposes of this Act, in the manner hereinafter mentioned, unless a contrary intention appears:—

"Province."

(1) "Province" means the Province of Ontario;

"Law of the Province."

"Law of the Province" includes any law of the former Province of Canada, or of Upper Canada, continued as the law of Ontario, or consolidated or incorporated with the law of Ontario.

"Minister."

(2) "Minister" means the member of the Executive Council under whose direction this Act is administered.

"Registrar" or "Corporations Registrar."

(3) "Registrar," or "Corporations Registrar," means the officer appointed Registrar under this Act. 55 V. c. 39, s. 2 (3); Imp. 37-8 V. c. 42, s. 3.

"This Act."

(4) "This Act," includes any Act amending or consolidating this present Act, or incorporated therewith.

"Corporation" or "Loan corporation."

(5) "Corporation," or "Loan Corporation," includes every corporation, incorporated company, association or society (not being a chartered bank of Canada or an insurance corporation standing registered under the law of the Province), which is or shall hereafter be constituted, or authorized, or operated either under the law of the Province or otherwise, for the pur-

pose (solely, or conjointly with other purposes) of lending money on real estate, or investing money in real estate securities, or lending on or investing in other securities hereinafter mentioned, (whether the corporation so loans or invests as principal or as agent, or as legal representative, or as trustee or guardian, or guarantees such loan or investment); or for the purpose of aiding its members or others in acquiring real property, in making improvements thereon, or in removing incumbrances therefrom; or for the purpose of issuing terminating shares, or for the purpose of accumulating a fund to be returned to the holders of the terminating shares in specified cases. R. S. O. 1887, c. 169, ss. 1, 2 (1); 54 V. c. 38, secs. 3, 15, 23; R. S. O. 1887, c. 168, s. 1; 56 V. c. 30, s. 1; R. S. O. c. 157, s. 3, as amended by 56 V. c. 30, s. 2, and by 57 V. c. 47, s. 2; 58 V. c. 32, Schedule.

(6) "Provincial Corporation" means a loan corporation incorporated by the Province, and operated under the Act or instrument by virtue of which the corporation became so incorporated. "Local Loan Corporation" means such a Provincial loan corporation as is by the Act or instrument constituting it limited in its operations to a specified area of the Province. "Provincial corporation." "Local loan corporation."

(7) "Non-Provincial Corporation" means any loan corporation other than Provincial. "Non-provincial corporation."

(8) "Registered Corporation" means a loan corporation standing duly registered under this Act. 55 V. c. 39, s. 2 (6) "Registered corporation."

(9) "Unregistered Corporation" includes any loan corporation not standing so registered, whether such corporation was never duly registered, or, having been so registered, lost such registry through non-renewal, suspension, revocation or cancellation. 55 V. c. 39, s. 2 (6). "Unregistered corporation."

(10) "Head Office" means the place where the chief executive officers of the corporation transact its business. 55 V. c. 39, s. 2 (20). "Head office.

(11) "Chief Agency" means the principal office or place of business in the Province of a loan corporation which has its head office beyond the Province. 55 V. c. 39 s. 2 (21). "Chief agency."

(12) "Shares" means shares of capital or stock, either permanent or terminating, and "shareholder" means any holder of such shares. "Shares."

(13) "Terminating Stock." or "Terminating Shares," includes all stock or shares of capital which are liable to be withdrawn from or repaid by the corporation "Terminating stock," or "Terminating shares."

(14) "Permanent Stock," or "Permanent Shares," includes all stock, or all shares of permanent or fixed capital not liable to be withdrawn from or repaid by the corporation. "Permanent stock." "Permanent shares."

"Advanced shares." "Unadvanced shares."

(15) "Advanced Shares" means terminating shares on which a loan or advance has been made by the corporation issuing the shares; and "unadvanced" or "investment" shares means terminating shares on which no such loan or advance has been made by the corporation; and "investing member" or "investor" means a holder of unadvanced shares.

"Real estate."

(16) "Real Estate" extends and applies to immovable estate and property generally. R. S O. 1887, c. 169, s. 1 (3).

"Securities"

(17) "Securities" extends and applies to privileges, mortgages (equitable as well as legal), and incumbrances upon real and immovable estate, as well as to other rights and privileges upon personal estate and property. R. S. O. 1887, c. 169, s. 1 (4).

"By-laws."

(18) "By-laws" include regulations, rules and by-laws.

"Due application."

(19) "Due application" includes such information, evidence and material as shall be required; and also the payment to the Provincial Treasurer of the fees hereinafter prescribed in respect of any application, certificate or document required or issued by virtue of this Act. 55 V. c. 39, s. 2 (22).

"Upon proof,

(20) "Upon proof," as applied to any matter connected with the registry of a corporation, or with the filing or registration of any matter or thing required by this Act to be filed or registered, means upon proof to the satisfaction of the proper officer. 55 V. c. 39, s. 2 (23).

"Appeal."

(21) "Appeal" includes every judicial revision or review of a decision, order, direction, determination, finding or conviction, and also includes every case stated or reserved, and every removal of proceedings by way of *certiorari* or otherwise. 58 V. c. 34, s. 2 (24).

INCORPORATION OF NEW COMPANIES.

Incorporation of loan companies.

3.—(1) After the passing of this Act, any application for the incorporation of any loan company shall be made by petition to the Lieutenant-Governor in Council through the Provincial Secretary upon such printed form or forms as shall from time to time be prescribed.

Notice of application for incorporation.

(2) The applicants shall for one month next before filing their application with the Registrar publish a notice of their intended application in the *Ontario Gazette*, and shall also before the said filing give the like notice at least once in a newspaper published in the locality in which the head office of the corporation in Ontario is to be established. The said notice shall state the proposed corporate name, the location of the head office, the purposes of the corporation; also whether the corporation is to be constituted with permanent or with terminating stock, or both; and, if with permanent stock, for what amount authorization will be asked.

Provided that the publication of notice may be dispensed with where this can be done without prejudice to public or private interests. (Cf. R. S. O. 1887, c. 157, s. 6.) Proviso.

(3) The application shall be deemed to include such information as shall be required either by the printed form or by any demand made by the Provincial Secretary for further information. Application to include certain information.

(4) The application shall be accompanied by the original, or one of the duplicate originals, of a declaration adopted in a general meeting of the promoters, and executed under their respective hands and seals by at least twenty-five persons present at the said meeting. Application for incorporation to be accompanied by a declaration.

(5) The declaration shall set out the names in full and the address and calling of each of the declarants and shall declare: that the said declarants assembled at on (*naming the place and time; naming also the chairman and the secretary of the meeting*) did there and then agree to constitute themselves a provisional loan corporation by the name of (*mentioning the proposed corporate name*) under the laws of the Province in that behalf, and under the proposed by-laws there and then adopted, and annexed to the declaration; also that the following persons, six in number (*naming them*) were elected provisional directors. Contents of declaration.

(6) The Provincial Secretary may refer any application or any question arising thereunder to the Registrar for a report, and the Registrar shall report thereon as required. Reference of application to Registrar.

4. Three copies of the said proposed by-laws shall accompany the declaration (one copy duly certified being annexed thereto) and the said by-laws shall *inter alia* set forth the particular matters prescribed in Schedule A to this Act. By-laws to accompany declaration and set forth certain particulars.

5. On receiving any application for incorporation or registry if the Minister finds in the by-laws of the applicant anything repugnant to this Act or to the public general law of the Province, he may direct an amendment of the by-laws; and, upon their being amended as directed and returned certified as having been so amended, the application may be proceeded with. 55 V. c. 39, s. 8 (2); 58 V. c. 34, s. 3 (5) s. 4; Imp. 37—8 V. c. 42, s. 17. Minister may direct amendment of by-laws.

6. Where incorporation is granted, the provisional directors named in the declaration of the applicants shall *ipso facto* by virtue of the incorporation so granted, be the first directors of the corporation, and shall continue in office until their successors are elected pursuant to the by-laws of the corporation, and to the provisions of this Act. Cf. R. S. O. 1887, c. 156 s. 9. First directors of the corporation.

Letters Patent of Incorporation; contents.

7.—(1) When incorporation is granted it shall be by Letters Patent issued under and by virtue of this Act: and the Letters Patent shall set forth the name under which, and the date at which, the company incorbecameporated; the location of the head office; the amount of permanent capital stock (if any) authorized; whether or not the company is authorized to issue terminating stock or shares; the business to be undertaken by the company, distinguishing such business as in section 104; and if the incorporation is granted with limitation of time or area, such limitation, or limitations, shall be specified as enacted in section 8.

Re-incorporation.

(2) There shall be the like authority to re-incorporate any loan corporation. In case of such re-incorporation the prior incorporation shall, as to this Province, be deemed to have been merged in and superseded by the said later incorporation, but without prejudice to obligations or contracts undertaken during the prior incorporation. R.S.O. 1887, c. 157 s. 3 (as amended by 56 V. c. 30 s. 2); 57 V. c. 48 s. 3.

Incorporation may be for a time limited or unlimited.

8.—(1) Incorporation may be granted without limitation of time, or for any limited term of years not less than ten; and the Letters Patent of incorporation shall expressly state whether the incorporation is granted without limitation of time, or is granted for a limited term of years, and, in such latter case, shall specify the first and the last day of the term. Every certificate shall also state whether the incorporation is granted with or without power to issue terminating shares: Provided, that, whether incorporation is granted with or without limitation of time, if a body incorporated under this Act does not go into actual *bona fide* operation within two years after incorporation, or for two consecutive years does not use its corporate powers for the purpose set forth in the declaration required by section 3 of this Act, such non-user shall *ipso facto* work a forfeiture of the corporate powers except so far as necessary for winding up the corporation; and in any action or proceeding where such non-user is alleged, proof of user shall lie upon the corporation. 55 V. c. 39, s. 63; cf. R.S.O. 1887, c. 167, s. 7; c. 157, s. 70; R.S.C. c. 119, s. 83.

Forfeiture of franchise of non-user.

Renewal of terminating charter.

(2) When incorporation has been granted for a limited term, application may, upon the same notice as required by section 3, be made on or before the expiry of the term, for the renewal or extension of the incorporation, and the incorporation may be renewed or extended either without limitation of time, or for a limited term; or may be refused.

Limitation of area when terminating stock is to issue.

(3) In the case of any application for incorporation made after the passing of this Act where the applicant body by its by-laws takes power to issue terminating stock or shares the corporation created under this Act shall not have power to loan money or transact a loaning business or carry on its

operations outside the limits of the county in which the corporation has its head office. A district or county or provisional county united with another county for judicial purposes shall be considered for purposes of this Act as a part of the county with which it is so united; but this subsection shall not apply to any loan corporation on the permanent stock of which has been paid in the sum of at least one hundred thousand dollars. 56 V. c. 31, s. 1; 59 V. c 46, s. 1.

Limitation of space in certain other cases.

(4) Every company or society which after the first day of June, 1893, was incorporated under section 2 of chapter 169 of the Revised Statutes of Ontario, 1887, shall be deemed to be limited to the area prescribed by subsection 3 of this section. 56 V. c. 31, s. 1; 59 V. c. 46, s. 1.

☞Provided, that as to any of the corporations mentioned in this or in the next preceding sub-section, upon proof that the corporation has a paid up permanent, non-withdrawable and unimpaired capital of not less than $100,000, the Lieutenant-Governor in Council may by Letters Patent in that behalf declare the said restriction of area removed; and, as from the date of such Letters Patent, the incorporation shall be deemed to be granted without limitation of area.☜

Limitation of area to be specified in the certificate.

(5) Where incorporation is hereafter granted with limitation of area, such limitation shall be specified in the Letters Patent of incorporation.

First by-laws of corporation.

(6) The by-laws accompanying the declaration, with such amendments thereof as may have been required by the Minister, shall be the first by-laws of the corporation, and shall take effect and be in force from the date of the incorporation.

EXTENSION OF BUSINESS BEYOND THE PROVINCE.

Extension of business beyond the Province.

9.—(1) Where the existence or operations of the corporation are not by the Act or instrument constituting it, limited in time or area, the corporation, if constituted by the law of the Province, may in general meeting of the members having due notice of the by-law, pass a by-law authorizing its directors to extend the business of the corporation beyond the Province, but in compliance with the law of such foreign jurisdiction; and the directors may give effect to such by-law without being liable or responsible as for any breach of trust in so doing. R. S. O. 1887, c. 169, s. 21.

Erection or purchase of buildings required for use of corporation in the foreign jurisdiction.

(2) Where, as provided in the next preceding subsection, a Provincial corporation carries on business beyond the Province, the corporation may in general meeting of the members having due notice of the by-law pass a by-law authorizing the directors to invest the money of the corporation in the erection or purchase of buildings required for the occupation of the corporation in any place where the corporation is so carrying on business and within the limit (if any) authorized by the law of the foreign jurisdiction. R. S. O. 1887, c. 169, s. 22.

TERMINATING SHARES.

Issue of terminating shares.

10. Where a loan corporation, by virtue of this or any former Act, has authority to raise a fund or stock by means of terminating shares, the corporation may issue terminating shares of one or more denominations, either fully paid or prepaid stock, or to be paid by periodical or other subscriptions, and may repay such funds when no longer required for the purposes of the corporation. The terminating shares shall not exceed the value of $400 for each share, and the subscription in payment thereof, shall not exceed $4 per month for each share; and the corporation may thereby create a stock or fund for the purpose of making loans or advances upon the securities authorized by the by-laws of the corporation and by this Act. R. S. O. 1887, c. 169, s. 2 (1); Imp. Act 37-8 V c. 42, s. 13.

Liability of holder upon terminating shares, unadvanced.

11. In any loan corporation whatever when terminating shares are issued, transferred or held in the Province, the liability of any holder of such shares, if no loan or advance has been made by the corporation thereon, shall be limited to the amount (if any) then in arrear upon such shares; the holder of such shares shall be released from all further or other liability thereon if he pays or tenders payment of the said amount to the corporation at its head office or chief agency in the Province; or if he sends to the corporation thereat in a registered letter a post office order, or a cheque accepted by a chartered bank of Canada, the order or cheque being for the said amount made payable to the corporation; and if with the said payment, tender, post office order or cheque he gives notice in writing to the corporation that he surrenders or abandons such terminating shares. In respect of any terminating shares upon which a loan or advance has been made by the corporation, the liability of the holder shall be limited to the amount payable thereon under any mortgage or other security, or under the by-laws of the corporation:

Liability of holder upon advanced shares.

Proviso: forfeiture of shares.

Provided that the directors may under the by-laws of the corporation declare forfeited to the corporation, the terminating shares of a holder who is in default, or who neglects or omits to pay the number of instalments on monthly subscriptions by the said by-laws prescribed; and in case of forfeiture so declared, a minute shall be made thereof on the Terminating Shares Register; or, instead of forfeiting the shares, the directors may recover the arrears by action; and if the amount in arrears does not exceed $100, the action may be brought in the Division Court of the division wherein the head office or chief agency of the corporation in the Province is situated. R. S. O. 1887, c. 169, secs. 63, 35, 36; 55 V. c. 39, s. 39; Imp. Act, 37-8 V. c. 42, s. 14.

Liability of corporation on terminating shares.

12. The liability of any registered loan corporation whatever in respect of terminating shares shall, unless otherwise provided by the by-laws in force at the passing of this Act, be

limited to that portion of the shareholder's payments thereon which (under the by-laws of the corporation or the contract with the shareholder) is appropriated to the loan fund, together with the proportion of interest, profits, or earnings appertaining to such portion of his payments; and that portion of the shareholder's payments, which, under the said by-laws or contract is appropriated to the expense fund shall not be a liability of the corporation. R. S. O. 1887, c. 169, s. 56 (1):

Proviso as to interest or dividend on unmatured terminating shares.

Provided that where a member withdraws his shares according to the by-laws of the corporation, no holder of terminating shares shall, except under the by-laws, be entitled to receive from the funds of the corporation any interest or dividend by way of annual or other profit upon any such share until the amount or value of the share has been realized. R. S. O. 1887, c. 169, s. 37.

Shareholder whose terminating shares are paid up may receive or invest the amount; or may convert into permanent stock.

13.—(1) When any terminating share or shares in any loan corporation whatever have been fully paid up according to the by-laws of the corporation, or have become due or payable to the holder thereof, then and in such case the holder of the share or shares may either withdraw the amount of his share or shares from the corporation according to the by laws thereof, or may with the consent of the corporation convert the amount of his withdrawable terminating share or shares into permanent shares or stock of the corporation, and receive in respect thereof periodically such proportion of the profits made by the corporation as may be declared by way of dividend, or as may be provided for by a by-law passed or to be passed for the purpose; and the amount of the terminating share or shares so converted shall become fixed and permanent capital or shares in the corporation, not withdrawable therefrom, but transferable in the same manner as other permanent shares in the corporation.

Directors may convert where shareholder after notice does not withdraw terminated shares;

(2) Where any loan corporation sends by post or delivers notice in writing addressed to a shareholder at his last known address, informing him that any terminating share or shares standing in his name have matured and become due or payable to him, and the shareholder does not within three months from delivery of the said notice, or from the date when in the ordinary course of post the notice would arrive at the post office of his address, withdraw the amount payable to him in respect of his shares, the directors may at their option convert the said terminating share or shares into permanent share or shares of the corporation, and the amount so converted shall thereupon cease to be a liability of the corporation.

or where terminating shares entitled to withdraw are in arrears.

(3) Where, under the by-laws of the corporation or the terms of his contract, a holder of terminating shares would be entitled (if all payments had been duly made in respect of his shares) to withdraw the money paid in by him with or without deduction or interest, but has not yet withdrawn the same, and his shares have not yet been fully paid and have

fallen into at least two months' arrears in respect of the payments due thereon, the directors may at their option upon one month's notice thereafter, given as in subsection 2, appropriate the amount then standing to the credit of the said shares to payment in full of so many permanent shares or of so much permanent stock as the said amount will be sufficient to pay in full, and may convert such terminating shares into permanent shares or stock of the corporation, and the amount so converted shall cease to be a liability of the corporation.

Terminating shares may, with consent of directors, be at once paid up and converted.

(4) Any terminating share or shares in any loan corporation at any time, may in accordance with the by-laws and with the consent of the board of directors be paid up in full and converted and capitalized at once, as permanent stock, and such terminating share or shares heretofore paid in full, or in part, shall be as valid as if the same had been paid by periodical or other subscription. R. S. O. 1887, c. 169, s. 56 (2).

Certificate of permanent shares.

(5) When in any loan corporation whatever any terminating shares are converted into permanent shares, the corporation shall forthwith deliver to the person entitled a certificate certifying the issue, and the number and amount of such permanent shares.

Subscription of terminating shares for conversion may be closed by directors;

14.—(1) The directors of any loan corporation whatever at any time, and from time to time, as they may think expedient, may, by resolution, close for any specified time, or until further order, the subscription of terminating shares to be converted into permanent stock of the corporation, and thereafter, until the expiration of such specified time, or until such further order, no new terminating shares shall be subscribed for such conversion. Any new issue of such shares shall be allotted to the then existing shareholders *pro rata*, as nearly as possible without fractions; but in case the remaining shares are not taken up within thirty days, then the shares, or the remaining shares, shall be sold, and any premium thereupon applied to the general benefit of the corporation, R. S. O. 1887, c. 169, s. 58.

or by general meeting of shareholders, after notice.

(2) In any Provincial loan corporation the shareholders entitled to vote at any time may, by resolution to be passed at any ordinary or special general meeting (for which meeting notice of such intended resolution shall be duly given, according to sections 62 and 63 of this Act), determine that no new terminating shares shall thereafter be subscribed for purposes of conversion; and thereafter no new terminating shares for such conversion shall at any time be subscribed therein, and the subscription or issue of such shares shall cease forever. R. S. O. 1887, c. 169, s. 59.

Shares to be immediately advanced excepted.

(3) Nothing done under the next preceding two subsections of this Act shall have the effect of preventing such corporation from creating, as it otherwise might, any terminating share or shares to be immediately advanced to the subscriber or sub-

scribers thereof, or of preventing any person from subscribing, as he otherwise might, for any share or shares, in order immediately to obtain the advance thereof from the corporation by giving security therefor. R. S. O. 1887, c. 169, s. 60.

Resolution for future issue of permanent stock only.

15.—(1) The qualified shareholders of a registered corporation which issues terminating shares may at any time, by resolution to be passed at any ordinary or special general meeting (for which meeting as in sections 62 and 63 notice of such intended resolution shall be duly given), determine that all shares thereafter issued and subscribed for in the corporation shall be fixed and permanent capital and not liable to be withdrawn therefrom; and any share thereafter subscribed for and issued in the corporation shall be fixed and permanent capital, and not withdrawable therefrom; such shares shall be transferable in such manner as the by-laws of the corporation may direct, but no such shares shall be transferred while any call thereon is in arrears or until the same has been forfeited for non-payment of calls. R. S. O. 1887, c. 169, s. 61.

Transfer of permanent shares.

Directors may fix the amount payable at subscription for permanent shares and premiums.

(2) The directors of such corporation may fix the amount to be paid on the subscription of such permanent shares, and the premium (if any), which shall be paid thereon, and when the premium shall be payable; and it shall be in the discretion of the directors from time to time to call up the balance of any such shares at such time or times as they shall think best; and the corporation may from time to time pay, notwithstanding that such shares have not been paid in full, interest or dividend by way of annual or other periodical profits upon the amount paid on such shares, and in all other respects, such shares shall be subject to the general provisions contained in this Act. R. S. O. 1887, c. 169, s. 62. Provided that where partly called shares were issued at a premium and the reserve has been reduced since the said issue, the rate of premium payable to the corporation at any subsequent call may be reduced in the ratio of the then reserve to the reserve at the time of issue,—the amount of the reserve in each case being taken to be the amount respectively shown by the next preceding yearly audit.

Calls.

Dividends.

Liability of holder of permanent shares.

(3) No shareholder shall be liable for or chargeable in respect of permanent shares with the payment of any debt or demand due by the corporation, save only to the extent of the amount unpaid on his shares in the capital of the corporation. R. S. O. 1887, c. 169, s. 63.

LENDING POWERS; PURCHASE AND SALE OF SECURITIES.

Lending powers of loan corporations.

16. Subject to the limitations mentioned in sections 7 and 8, any loan corporation standing registered under this Act may lend money in conformity with the laws of Canada and with this Act and with the by-laws of such corporation, to any person or persons or body corporate, at such lawful rates of

interest as may be agreed upon, without requiring any of the borrowers to become subscribers to the stock, or members of the corporation; but in the case of loans made on and after the first day of May, 1893, only such borrowers from the corporation as are subscribers to the stock, or members of the corporation, shall be subject to the by-laws thereof, unless the mortgage or other security given by the borrower expressly provides that the by-laws of the corporation shall form part of the contract or obligation entered into by the borrower.

Proviso as to rules affecting borrowers.

Provided, however, that unless in all such cases *either* the words "subject to the by-laws of the corporation" or the words "subject to the rules of the society or company (as the case may be)" are printed in conspicuous type on the back of, and as part of the endorsement of such mortgage or other security, the borrower, not being a subscriber to the shares or a member of the corporation, shall not be bound by any suc by-laws. R. S. O. 1887, c. 169, s. 66; 55 V. c. 40, s. 1. *See also* 37 V. c. 50 (D) s. 3.

POWER TO LEND ON AND PURCHASE AND SELL CERTAIN SECURITIES.

May lend on certain securities.

17.—(1) Such loan corporation may from time to time lend and advance money by way of loan or otherwise for such periods as it deems expedient on the security of real estate, or of the public securities of Canada, or of any of the Provinces thereof, or on the security of terminating debentures of any municipal or public school corporation, or of the terminating debentures of any society or company incorporated under the Revised Statute respecting Building Societies; or of terminating debentures or debenture stock of any society or company in which under the law of the Province trustees may invest trust funds; or may out of the funds appropriated to terminating shares (if any), lend on the security of the terminating shares of the corporation itself:

Proviso.

Provided that in the case of corporations heretofore so authorized it shall be lawful to lend also upon securities other than in this section mentioned except as in section 19 provided. 54 V. c. 38, s. 2 (a); R. S. O. 1887, c. 169, secs. 57, 1 (4).

May do acts necessary to such loans and may exercise remedies.

(2) Such corporation may do all acts that are necessary for advancing such sums of money, and for receiving and obtaining repayment thereof, and for compelling the payment of all interest accruing from such sums so advanced, and the observance and fulfilment of any conditions annexed to such advance, and for enforcing the forfeiture of any term or property consequent on the non-fulfilment of such conditions, or of conditions entered into for delay of payment; and may take personal security as collateral for any advance made. 54 V. c. 38, s. 2 (c); R. S. O. 1887, c. 169, s. 31.

May hold certain estates and interests in land; and may dispose of same.

(3) Such corporation may hold such real estate as being mortgaged or hypothecated to it, is acquired by it for the protection of its investments, and may from time to time sell,

mortgage, lease, *exchange* or otherwise dispose of the same ; and may acquire, by purchase or otherwise, any mortgage or other security upon which it is authorized to lend or advance money, and re-sell the same, as it deems advisable. 54 V. c. 38, s. 2 (*b*); R. S. O. 1887, c. 169, s. 31 and s. 33.

May purchase and sell certain securities.

(4) Such corporation may give receipts, acquittances and discharges, either absolutely and wholly, or partially, and may grant or take such deeds, assignments or other instruments as are necessary for carrying any such holding, purchase, *exchange* or re-sale into effect; and the grantee or assignee in any such instrument shall stand in the place of, and be entitled to, and have all the same rights, powers and remedies, and shall be subject to the same obligations and liabilities, under, upon, or in respect to such instrument as the grantor or assignor would have been entitled to have had or been subject to if the grant or assignment had not been made. 54 V. c. 38, s. 2 (*d*); R. S. O. 1887, c. 169, s. 31, s. 32.

May give discharges and execute all necessary instruments.

Rights of grantee or assignee.

(5) Any corporation standing registered under this Act may hold absolutely to its own use and benefit such real estate as is necessary for the transaction of its business, not exceeding in yearly value the sum of $20,000, in Ontario, and, subject to the laws of the other Provinces of Canada, the sum of $20 000 in each of the said Provinces; also such real estate as being mortgaged or hypothecated to it, is acquired by it for the protection of its investments, and may from time to time, sell, mortgage, lease, *exchange* or otherwise dispose of the same; but the corporation, (not being a loaning land corporation standing registered under this Act,) shall, subject as above, sell any real estate acquired in satisfaction of any debt within *twelve* years after it has been so acquired, otherwise it shall be forfeited to Her Majesty, for the uses of the Province; but no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the said corporation of the intention of Her Majesty to claim such forfeiture. 54 V. c. 38, s. 14; R. S. O. 1887 c. 169, s. 64.

Power to hold real estate.

(6) It shall be lawful for any such corporation to constitute and maintain a reserve fund out of the earnings or other income of the corporation not required for the present liabilities of the corporation, and to invest the same in any of the securities authorized for purposes of loans by this section. R. S. O. 1887, c. 169, s. 69.

May form reserve fund and invest same in foregoing securities.

(7) And for every purpose in this section specified, and for any other purpose in this Act mentioned or referred to, the corporation may lay out, and apply the capital and property, for the time being, of the corporation or any part thereof, or any of the moneys authorized to be hereafter raised or received by the corporation in addition to its capital for the time being, and may authorize and exercise all acts and powers whatsoever, in the opinion of the directors of the corporation requisite or expedient to be done or exercised in relation thereto. 54 V. c. 38, s. 2.

General powers of corporation for purposes of this section and of this Act.

Balloting for loans prohibited.

18. No loan corporation whatsoever shall ballot or cause or permit applicants for loans or advances to ballot for precedence, or shall in any way make the granting of a loan or advance depend upon any chance or lot. Any registered corporation which contravenes this section, and any corporation which makes, prints, advertises or publishes, or causes or procures to be made, printed, advertised or published any proposal, scheme or plan for loaning or advancing or in any way disposing of money or property by lot, ballot, or by any mode of chance whatsoever, shall be liable to have its registry cancelled; and any director, officer, servant, employee or shareholder of the corporation, party to such contravention, shall be liable upon summary conviction before any Police or Stipendiary Magistrate, or two Justices of the Peace, to a fine of not less than $20, nor more than $200 and costs, and in default of payment to imprisonment for a term of not less than three nor more than twelve months in any prison or gaol of the Province. Imp. Act 57-8 V. c. 47, s. 12 (1); Crim. Code Sec. 205.

Permanent shares or stock not a debt of the corporation; loans or advances upon such shares or stock prohibited.

19.—(1) No payments received by the corporation for or on account of any permanent shares or stock whatsoever, shall be deemed to be a debt of the corporation; and no sum due to any holder of such shares or stock, in his character of holder or member, by way of dividends, profits or otherwise, shall be deemed a debt of the corporation, payable to such holder or member in a case of competition between himself and any other creditor not being a holder of such shares or a member of the corporation; but any sum so due may be taken into account for the purposes of the final adjustment of the rights of the contributories amongst themselves.

(2) The corporation may lend upon its own paid up permanent stock to an amount not exceeding in the aggregate of all such loans 10 per centum of the corporation's paid up permanent stock; but no such loan shall exceed 66⅔ per centum of the market price then actually offered for the stock, and no loan corporation whatever shall, after the passing of this Act, except as in this section provided, make any loan or advance upon the security of any permanent share or shares, or permanent stock of the corporation, whether with or without collateral security. Imp. Cos. Act 1862 (25-6 V. c. 89), s. 38 (7); Lindley on Cos., 5th Ed., p. 631; R. S. O. c. 169, s. 68 (4).

INTEREST; PAYMENTS OF BLENDED INTEREST AND PRINCIPAL; LIMITATION OF MORTGAGOR'S LIABILITY FOR INTEREST.

Rate of interest, repayment and recovery of money loaned or advanced, and of interest thereon.

20. Subject as in the next five following sections provided, any corporation standing registered under this Act, may stipulate for, take, reserve, and exact any rate of interest or discount that may lawfully be taken by individuals, and may also receive payment at any time on any loan or advance;

provided always that no fine or penalty shall be stipulated for, taken, reserved or exacted in respect of arrears of principal or interest, which has the effect of increasing the charge in respect of arrears beyond the rate of interest or discount on the loan; and the corporation may do all acts that may be necessary for advancing money, and for recovering and obtaining repayment thereof, and for enforcing payment of all interest accruing therefrom, or for enforcing any conditions attached to such advance, or any forfeiture consequent on the non-payment thereof, and give all necessary and proper receipts, acquittances and discharges for the same, and do, authorize and exercise all acts and powers whatsoever requisite or expedient to be done or exercised in relation to the said purposes. R. S. O. 1887, c. 169, s. 67; 54 V. c. 38, s. 16. See also 37 V. c. 50, s. 5 (D); R. S. C., c. 127, s. 5.

No interest recoverable in certain cases unless the mortgage contains a certain statement.

21. Whenever any principal money or interest secured by mortgages of real estate is, by the same, made payable on the sinking fund plan, or on any plan under which the payments of principal money and interest are blended, or on any plan which involves an allowance of interest on stipulated repayments, no interest whatever shall be chargeable, payable or recoverable, on any part of the principal money advanced, unless the mortgage contains a statement showing the amount of such principal money and the rate of interest chargeable thereon, calculated yearly or half-yearly, not in advance. 43 V., c. 42 (D), s. 1: R. S. C. c. 127, s. 3.

No rate recoverable beyond that shown in such statement.

22. Whenever the rate of interest shown in such statement is less than the rate of interest which would be chargeable by virtue of any other provision, calculation or stipulation in the mortgage, no greater rate of interest shall be chargeable, payable or recoverable, on the principal money advanced, than the rate shown in such statement. 43 V., c. 42 (D), s. 2; R. S. C. c. 127, s. 4.

No fine allowed on payments in arrear which has the effect of increasing the rate of interest.

Proviso: as to interest on arrears of interest.

23. No fine or penalty or rate of interest shall be stipulated for, taken, reserved or exacted on any arrear of principal or interest secured by mortgage of real estate, which has the effect of increasing the charge on any such arrear beyond the rate of interest payable on principal money not in arrear; but nothing in this section contained shall have the effect of prohibiting a contract for the payment of interest on arrears of interest or principal at any rate not greater than the rate payable on principal money not in arrear. 43 V., c. 42 (D), s. 4; R. S. C. c. 127, s. 5.

Overcharge may be recovered back.

24. If any sum is paid on account of any interest, fine or penalty not chargeable, payable or recoverable under the three sections next preceeding, such sums may be recovered back, or deducted from any other interest, fine or penalty chargeable, payable or recoverable on the principal. 43 V., c. 42 (D), s. 4; R. S. C. c. 127, s. 6.

No further interest payable after five years on certain conditions.

25. (1) Whenever any principal money or interest secured by mortgage of real estate is not, under the terms of the mortgage, payable till a time more than five years after the date of the mortgage, then, if at any time after the expiration of such five years, any person liable to pay or entitled to redeem the mortgage tenders, or pays to the corporation entitled to receive the money, the amount due for principal money and interest to the time of payment, as calculated under the four sections next preceding, together with three months' further interest in lieu of notice, no further interest shall be chargeable, payable or recoverable at any time thereafter on the principal money or interest due under the mortgage. 43 V., c. 42 (D), s. 5; R. S. C., c. 127, s. 7.

Secs. 20 to 25 (1) to be taken as subject to amendment or repeal by Dominion.

(2) The provisions contained in subsection 1 and in the four next preceding sections, having been also enacted by the Dominion of Canada, shall be taken as subject to the jurisdiction of the Dominion to vary, amend or repeal the same.

BORROWING POWERS.

Saving clause as to corporations in present authorized operation.

☞**26.**—(1) Except in so far as their borrowing powers may be deemed to be enlarged by sections 30 and 31 hereof, ☜nothing contained in this Act shall be construed to enlarge or diminish the duly authorized borrowing powers of any corporation lawfully doing business in Ontario on the tenth day of February, 1897, and standing registered under this Act.

☞(2) Provided that any corporation may with the assent of the Lieutenant-Governor in Council (which assent shall be evidenced by Letters Patent in that behalf), elect to renounce its existing borrowing powers and accept those conferred by this Act, but such alteration of borrowing powers shall not operate to prejudice or affect any existing rights of creditors or any obligations entered into by such corporation prior to such assent.☜

Limitations of the borrowing powers of certain corporations.

27. Unless and until the corporation has a paid-up, unimpaired, permanent and non-withdrawable capital of at least $100,000, or (being constituted with joint stock capital) has a subscribed permanent stock of at least $300,000, on which at least $100,000 has been actually paid and is unimpaired, no corporation established after the 31st day of December, 1877, shall receive deposits, or borrow, receive, take or retain otherwise than in respect of stock and shares of the corporation any sum of money from any person or persons; and the paid in and subscribed capital of the corporation shall be liable for the amount so borrowed, received or taken by the corporation. R. S. O. 1887, c. 169, secs. 55, 56 (3), 68; 54 V. c. 38, s. 13 (1), (2).

Borrowing powers of other corporations.

28. When a corporation standing registered under this Act has a paid-up, permanent, non-withdrawable and unimpaired capital of not less than $100,000 or (being constituted with

joint stock capital) has a subscribed permanent stock of at least $300,000 on which at least $100,000 has been paid and is unimpaired, the directors may from time to time, with the consent of the shareholders, obtained at any general meeting having notice of such proposed borrowing, borrow money on behalf of the corporation at such lawful rates of interest, and upon such terms as they from time to time think proper: and the directors may for that purpose, subject as hereinafter provided, receive money on loan or on deposit (other than and in addition to money received in respect of stock and shares of the corporation); and may for that purpose issue debenture stock, and terminable debentures, bonds and other obligations, as well as execute mortgages under the seal of the corporation, for sums of not less than $100 each; or may assign, transfer or deposit by way of equitable mortgage or otherwise, for the sum so borrowed, any of the documents of title, deeds, muniments, securities or property of the corporation, and either with or without power of sale or other special provisions, as the directors deem expedient. 54 V. c. 38, s. 4; R. S. O. 1887, c. 169, s 68 (1).

BORROWING BY WAY OF DEPOSITS, DEBENTURES, OR GUARANTEE.

Receiving money on deposit.

29.—(1) The corporation shall not, without the express consent of the shareholders given at a general meeting having due notice of the proposal, receive money on deposit, otherwise than in respect of shares or stock of the corporation; and when money is otherwise received on deposit, the same shall, for the purposes of this Act, be deemed to be money borrowed by the corporation; and with lawful interest thereon as agreed, shall be repayable by the corporation either at a time certain, or upon notice not being less than thirty days (unless notice, or such notice, is waived), as shall have been agreed upon. 54 V. c. 38, s. 12; R. S. O. 1887, c. 169, s. 55; R. S. C. c. 119, s. 91.

Limitation of amount receivable on deposit.

(2) The amount to be received by any corporation entitled as hereinbefore provided to receive deposits shall not at any time exceed the aggregate amount of the then actually paid up and unimpaired permanent capital, and of its other cash actually in hand or deposited by it in any chartered bank or banks in Canada. 54 V. c. 38, s. 13 (3).

Amount and form of debentures.

30.—(1) If the corporation issue debentures, the debentures shall be for such sums, not being less than $100 and in such currency as the board of directors may deem advisable, and shall be payable not less than one year, nor more than ten years, from the issue thereof at such place as may be therein mentioned. R. S. O. 1887, c. 169, s. 70. See also 37 V. c. 50, (D) s. 6.

Where corporation borrows on securities but not on deposits.

(2) If the corporation borrows money solely on debentures or other securities, and by guarantee and not by way of deposit, under section 29, the aggregate amount of the sums so borrowed shall not, at any time exceed four times the amount of its paid-up and unimpaired capital, or at the option of the corporation the amount of its subscribed, fixed and permanent capital, upon which not less than twenty per cent. has been paid. 54 V. c. 38, s. 13 (4); R. S. O. c. 119, s. 92, (4).

Enlarged borrowing powers not to prejudice certain debenture holders.

(3) In event of any corporation incorporated before the 4th day of May, 1891, availing itself of the provisions of this Act, or any Act of the Province passed after the 3rd day of May, 1891, to enlarge its powers of borrowing money by debentures, nothing herein contained shall be construed as affecting or in any wise impairing the rights of the holders of debentures issued by such corporation. 54 V. c. 38, s. 13, (6).

Where corporation borrows both on securities and on deposits.

(4) If the corporation borrows money both by way of debentures or other securities, or by guarantee and also by way of deposit, such corporation shall, in respect of deposits received, comply with section 29, and furthermore the aggregate amount of its total borrowing shall not at any time exceed the amount of the principal moneys remaining unpaid on securities then held by the corporation, nor shall it exceed thrice the amount of the then actually paid-up and unimpaired permanent capital of the corporation; but the amount of cash then actually in the hands of the corporation, or standing deposited by it in any chartered bank, or both, shall be deducted from the aggregate amount of the liabilities which the corporation has then incurred, as above mentioned, in calculating the aggregate amount for the purposes of this subsection. 54 V. c. 38, s. 13 (5); R. S. O. 1887, c. 169, s. 68.

Liabilities of borrowing not to exceed mortgages.

31. The total liabilities of the borrowing corporation shall not at any time exceed the amount of principal remaining unpaid on the mortgages then held by the corporation, but in estimating the said liabilities, the amount of cash actually in the hands of the corporation, or deposited in any chartered bank of Canada or of Great Britain shall be deducted therefrom. R. S. O. 1887, c. 169, s. 68 (2.)

Deduction to be made in estimating the paid-up capital.

32. All loans or advances by a corporation to its shareholders upon the security of their permanent stock shall be deducted from the amount of paid up capital upon which the corporation is authorized to borrow. R. S. O. 1887, c. 169, s. 68 (3).

DEBENTURE STOCK.

Issuing debenture stock.

33. Subject to sections 29, 30, 31 and 32, the directors of any registered loan corporation, such as mentioned in section 28, may, from time to time, with the consent of a majority of the shareholders, present in person or represented by proxy, at a general meeting called for such purpose, and having due notice of the proposal, issue debenture stock, which shall be treated and considered as a part of the regular debenture debt, authorized by section 30 of this Act, in such amounts and manner, on such terms, and bearing such rate of of interest, and in such currency as the directors from time to time think proper, but subject to the limitations in sections 29, 30, 31 and 32 provided, so that the amount received as money deposits and borrowed on the security of debentures, mortgages, bonds, or other instruments or debenture stock, shall not in the whole exceed the aggregate amount fixed by sections 29, 30, 31 and 32, as the authorized limit of the borrowing powers of the corporation. 54 V. c. 38, s. 5; Cf. R. S. O. 1887, c. 169, s. 23 and s. 30.

Rights of holder of debenture stock.

34. Debenture stock shall not entitle the holders thereof to be present or to vote at any meeting of the corporation, or confer any qualification, but shall, in all respects not otherwise by or under this Act provided for, be considered as entitling the holders to the rights and powers of mortgagees of the undertaking to the extent provided in the by-laws of the corporation authorizing such debenture stock, but shall not confer or imply the right to require repayment of the principal money paid up in respect of the debenture stock. 54 V. c. 38, s. 10; cf. R. S. O. 1887, c. 169, s. 25. (part).

Debenture stock how ranked.

35. The debenture stock to be issued under the authority of this Act shall rank equally with the debentures issued, or to be issued, by the corporation, and the holders thereof shall not be liable or answerable for any debts or liabilities of the corporation; and in case of a liquidation of the corporation, or other distribution of its assets, the holder shall for arrears of interest (if any), and for the then present or capitalized value of the future interest annually payable, rank *pari passu* with depositors and debenture holders. Cf. 54 V. c. 38, s. 6; R. S. O. 1887, c. 169, s. 28.

Register of debenture stock.

36. The corporation shall cause entries of the debenture stock from time to time created to be made in a register, to be known as the Debenture Stock Register, and ☞(in the case of corporations incorporated by, or having their head office in, Ontario,)☜ to be kept for that purpose at the head office of the corporation, wherein shall be entered the names and addresses of the several persons and corporations from time to time entitled to the debenture stock, with the respective amounts of the stock to which they are respectively entitled; and the register shall, during reason-

able business hours of every day, except Sundays and holidays, be accessible for inspection and perusal by himself or his agent to every debenture holder, mortgagee, bondholder, debenture stockholder and shareholder of the corporation, without the payment of any fee or charge. 54 V. c. 38, s. 7; R. S. O. 1887, c. 169, s. 24.

Transfer of debenture stock.

37. Such debenture stock shall be transferable in such amounts and in such manner as the directors may determine, and all transfers of the debenture stock of the corporation shall be registered at the head office of the corporation in this Province, but the corporation may have transfer books for purposes of such debenture stock, at such place or places in Canada, in Great Britain and Ireland, or any foreign country in which transfers of the said stock may be made; but all such transfers shall be entered in the book to be kept at the head office. 54 V. c. 38, s. 8; R. S. O. 1887, c. 169, s. 24 (part), and s. 26.

Certificate of debenture stock.

38. The corporation shall deliver to every holder of debenture stock a certificate stating the amount of the debenture stock held by him, the rate of interest payable thereon and the terms and conditions to which the said stock is subject; and all regulations and provisions for the time being applicable to certificates of shares in the capital stock of the corporation shall apply, *mutatis mutandis*, to certificates of debenture stock. 54 V. c. 38, s. 9; R. S. O. 1887, c. 169, s. 25.

Exchange of debentures for, and redemption of debenture stock.

39. The holders of the debentures of the corporation may, with the consent of the directors, at any time exchange such debentures for debenture stock; and the corporation may from time to time purchase in the open market and, with the consent of the holders thereof, redeem any portion or portions of the debenture stock representing moneys which the directors, by resolution duly made, determine not to be required for the business of the corporation. R. S. O. 1887, c. 169, s. 27; 54 V. c. 38, s. 11: Cf. R. S. O. 1887, c. 169, s. 29.

AMALGAMATION OF COMPANIES, AND PURCHASE AND SALE OF ASSETS.

Power to unite with other corporations and to purchase or sell assets.

40. Any corporation such as mentioned in section 28 may unite, merge, amalgamate and consolidate its stock, property, business and franchises with those of any other corporation incorporated or chartered to transact a like business, and any other business in connection with such business, or with those of any building, savings or loan company or society heretofore or hereafter incorporated or chartered, or may sell its assets to any other such corporation which is hereby authorized to purchase the same, or may purchase the assets of any other such corporation which is hereby authorized to sell the same, and for the purpose of carrying out such purchase or sale, the cor-

poration so purchasing may assume the liabilities of the corporation so selling, and may enter into such bond or agreement of indemnity with the corporation or the individual shareholders thereof, or both, as may be necessary, and may enter into all contracts and agreements necessary to such union, merger, amalgamation, consolidation, sale, purchase or acquisition. R. S. O. 1887, c. 169, s. 76; 54 V. c. 38, s. 18.

Directors may make agreement for amalgamation or for purchase or sale of assets.

41.—(1) The directors of any corporation such as mentioned in section 28, and of any other corporation such as mentioned in section 40 may enter provisionally into a joint agreement under the corporate seals of each of the said corporations for the union, merger, amalgamation or consolidation of the said corporations, or for the sale or purchase by the one corporation of the assets of the other corporation; and the said agreement shall prescribe the terms and conditions thereof, the mode of carrying the same into effect, and, if the two corporations are to merge into one corporation, the name of the new, or of the continuing corporation, the number of directors and other officers thereof, and who shall be the first directors and officers thereof, the manner of converting the capital stock of each of the said corporations into that of the new or continuing corporation, with such other details as the directors of the several corporations deem necessary to perfect such new organization, and the union, merger, amalgamation and consolidation of the said corporations, and the after management and working thereof, or to perfect the terms and mode of payment for the assets, on the sale, purchase, or acquisition of the assets of the one corporation by the other. R. S. O. 1887, c. 169, s. 77; 54 V. c. 38, s. 19.

Agreement to be subject to approval of shareholders.

(2) Such agreement, or if no agreement has been entered into, but an offer has been made by another company or society under its corporate seal for the purchase of the assets of the corporation, or if the corporation has made any offer under its corporate seal for the purchase of the assets of another incorporated company or society, then such offer shall be submitted to the shareholders of each of the said corporations at a meeting thereof, to be held separately for the purpose of taking the agreement or the offer into consideration. R. S. O. 1887, c. 169, s. 78; 54 V. c. 38, s. 20 (1).

Notice of meeting to consider agreement

(3) Notice of the time and place of such meetings and the objects thereof shall be given by written or printed notice addressed to each shareholder of the said corporations respectively, at his last known post office address or place of residence, and also by a general notice inserted in a newspaper published at the chief place of business of each of such corporations once a week for six successive weeks. The like notice, together with a copy of the proposed agreement, shall be delivered to the Corporations Registrar at least one month before the date of either of the meetings of shareholders called to consider it. R. S. O. 1887, c. 169, s. 78; 54 V. c. 38, s. 20 (2); Imp. 37-38 V. c. 42, s. 33.

Proceedings to ratify agreement.

42. At such meetings of shareholders such agreement or offer shall be considered, and a vote by ballot taken for the ratification or acceptance, or for the rejection of the same, each share entitling the holder thereof to one vote unless otherwise provided by the by-laws of the said respective corporations, and the said ballots being cast in person or by proxy, and if two-thirds of the votes of all the shareholders of such corporations, representing not less than two-thirds in value of the paid up capital or permanent stock of each, shall be for the ratification of the agreement or the acceptance of such offer, then that fact shall be certified upon the said agreement or offer by the secretary or manager of each of such corporations under the corporate seals thereof. R. S. O. 1887, c. 167, s. 79; 54 V. c. 38, s. 20 (3).

Who may vote.

43. The shareholders who may vote at such meetings shall be those only whose names are duly entered in the books of the respective corporations at the date of the first publication of the notices calling such meetings, and they shall vote upon the shares only then standing in their respective names. 54 V. c. 38, s. 20 (4).

Ratified agreement to filed with Registrar for assent.

44. If the said agreement is so ratified or the said offer is so accepted at the respective meetings of the shareholders of each of the said corporations, the agreement so ratified or the offer so accepted, with the said certificates thereon shall be filed with the Corporations Registrar; and after the assent of the Lieutenant-Governor in Council thereto, the said agreement or offer shall thenceforth be taken and deemed to be the agreement and act of union, amalgamation and consolidation of the said corporations, or the agreement and deed of purchase and acquisition of the assets of the company by such other company or society so purchasing, or by the company of the assets of the company or society so selling, as the case may be. 54 V. c. 38, s. 20 (5).

Certificate of assent by Minister.

45.—(1) Upon proof that the foregoing requirements have been duly complied with, and after the agreement or offer so ratified or accepted has been assented to by the Lieutenant-Governor in Council, the Minister shall issue a certificate under his hand and seal certifying such assent and the date thereof; also declaring the purchase and the sale of the assets and the names of corporations parties thereto; or in the case of amalgamation, declaring the amalgamation of the corporations (*naming them*), and the date of such assent thereto, also the name of the new or of the continuing corporation, together with such other matters (if any), as may appear to the Minister necessary or desirable in the public interest; and the said certificate shall be conclusive evidence of all matters therein certified or declared. Cf. Imp. Act, 40-1 V. c. 63, s. 5.

(2) Of the issue of such certificates the Corporations Registrar shall give public notice in *The Ontario Gazette*. Public notice to be given of certificate.

46. For purposes of *The Registry Act, 1893*, or of any Act amending or consolidating the same, it shall be sufficient to register once for all on the general register of each Registry Division in which the securities included in such transfer or amalgamation are registered, a certified copy of such certificate; and the fee payable for the registration thereof shall be one dollar. Registration of certificate for purposes of title of land.

47. The Corporations Registrar may, under his hand and seal, indorse upon the agreement or offer mentioned in section **44**, or any counterpart or copy of the same, a certificate certifying, or he may by any writing so signed and sealed, identifying the agreement or offer, certify that the said agreement or offer has been assented to by the Lieutenant-Governor in Council, and such certificate with a copy of the Order in Council attached shall be *prima facie* evidence of such assent. Assent of the Bureau may be otherwise evidenced.

48. In the case of a purchase and sale of assets so assented to, the assets of the company selling shall, on and from the date of such assent, without any further conveyance, become absolutely vested in the company purchasing, and the company purchasing shall thereupon become and be responsible for the liabilities of the company or society so selling, the whole as fully and effectually to all intents and purposes as if a special Act were passed with that object; and in dealing with the assets of the company selling it shall be sufficient for the company purchasing to recite the said agreement and the assent of the Lieutenant-Governor in Council thereto, with the date of the said assent. Provided that such transfer of engagements shall not affect the rights of any creditor of either or any corporation transferring its engagements. Cf. 54 V. c. 38, s. 20 (5; Imp. 40-1 V. c. 63, s. 5. Assets of selling company to vest in purchasing company.

49. In the case of the amalgamation of corporations so assented to, the several corporations parties thereto shall as from the date of the said assent be deemed and taken to be consolidated and amalgamated, and to merge in and form one corporation by the name stated in the said certificate, with a common seal, and shall, subject to the law of the Province, possess all the rights, privileges and franchises of each of said corporations; and as from the said date all and singular the business, property, real and personal, and all rights and incidents appurtenant thereto, all stock, mortgages or other securities, subscriptions and other debts due on whatever account, and other things in action belonging to such corporations or either of them, shall be taken and deemed to be transferred to and vested in such new or such continuing corporation without further act or deed; Provided, however, that Property and rights of both companies vested in new corporation.

all rights of creditors and liens upon the property of either of such corporations shall be unimpaired by such amalgamation, and that all debts, liabilities and duties of either of the said corporations shall thenceforth attach to the new or continuing corporation, and may be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it; and that no action or proceeding, legal or equitable, by or against the said corporations so amalgamated, or either of them, shall abate or be affected by such amalgamation, but for all the purposes of such action or proceeding such corporation may be deemed still to exist, or the new or continuing corporation may be substituted in such action or proceeding in the place thereof. R. S. O. 1887, c. 169, s. 81; 54 V. c. 38, secs. 21, 22; Imp. 40-1 V. c. 63, s. 5.

RIGHTS OF ALIENS AND MINORS: EXECUTION OF TRUSTS.

Act to extend to aliens, etc.

50. This Act shall, for all purposes, extend to aliens and co-partners and corporate bodies may hold shares in any loan corporation standing registered under this Act. R. S. O. 1887, c. 169, s. 45; Cf. Imp. Act, 37-8 V. c. 42, s. 39.

Certain minors may make deposits and take terminating shares.

51. In respect of deposits made or to be made, or of terminating shares taken or to be taken in any loan corporation by any person not of the full age of twenty-one years, but of the age of fifteen years or upwards, such depositor or shareholder shall not, by reason only of his minority, be deemed incompetent to contract or to give a valid discharge for any benefit accruing or for money payable under the contract. 53 V. c. 31 (D. Bank Act), s. 84; 55 V. c. 39 (O), s. 35 (7); R. S. O. c. 172, s. 10; Imp. Act, 37-8 V. c. 42, s. 38.

Deposits made or shares taken by minor.

52. When deposit is made or shares taken in any loan corporation by such minor as mentioned in section 51, the same shall be held to be for the exclusive right and benefit of such depositor or shareholder, free from the lien or control of any person except creditors within the intent of section 61, and shall be repaid to such depositor or shareholder, and the receipt or acquittance of such minor shall be a sufficient release and discharge to the corporation. Revised Statutes of Ohio, 1896, s. 3801.

Corporation not bound to see to execution of trusts or application of moneys paid on receipt, etc.

53.—(1) The corporation shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any share or shares of its stock, or to which any deposit, debenture, or debenture stock or any other moneys payable by or in the hands of such corporation may be subject; and the receipt of the party or parties in whose name such share or shares or moneys stand in the books of the corporation shall, from time to time, be sufficient discharge to the corporation for any payment of any kind made in respect of such share or shares or moneys, notwith-

standing any trust to which the same may then be subject, and whether or not the corporation has had notice of such trust, and the corporation shall not be bound to see to the application of the money paid upon such receipt. R. S. O. 1887, c. 169, s. 65; c. 156, s. 32; c. 157, s. 58; *See also* 37 V. c. 50, (D) s. 10.

Representatives, guardians, or trustees not to be personally liable.

(2) No person holding stock or shares in the corporation as executor, administrator, guardian or trustee of or for any person named in the books of the corporation as being so represented by him, shall be personally subject to any liability as a stockholder or shareholder, but the estate and funds in his hands shall be liable in like manner and to the same extent as the testator, intestate, ward or person interested in such trust fund would be, if living and competent to hold the stock in his own name; and if the trust is for a living person, such person shall also himself be liable as a stockholder or shareholder: but if such testator, intestate, ward or person so represented is not named in the books of the corporation, the executor, administrator, guardian or trustee shall be personally liable in respect of such stock or shares as if he held it or them in his own name as owner thereof. 53 V. c. 31 (D) s. 44.

Exception.

NOMINATION BY INVESTOR OR DEPOSITOR; INTESTACY; MISTAKEN PAYMENTS; TRANSMISSION OF INTEREST; CASE WHERE RIGHTS ARE IN DOUBT; EXECUTION CREDITORS.

Member or investor in loan corporation may nominate a successor.

54 A member of or investor in, or depositor with any loan corporation having a sum of money in the funds thereof not exceeding $300, may from time to time nominate any person or persons (such person or persons being within the Statute of Distributions) as successor or successors at death of such member, investor or depositor; provided that such nomination is made in writing, and duly deposited with the secretary or manager of the corporation, and upon receiving an affidavit of the death of the nominator, the directors shall substitute the name of the nominee on its books in the place of the nominator, or may immediately pay to the nominee the amount due to the deceased member or depositor. R. S. O. 1887, c. 169, s. 46 (1); Imp. 50-1 V. c. 40, s. 3 (1).

Disposition of funds of intestate members.

55. If any member, investor in, or depositor with the corporation having in the funds thereof a sum of money not exceeding $300, dies intestate and without making such nomination, then the amount due shall, without letters of administration taken out, be paid to the person who appears to the directors to be entitled under the Statute of Distributions to receive the same, upon the directors receiving an affidavit of death and intestacy, and that the person so claiming is entitled as aforesaid. R. S. O. 1887, c. 169, s. 46 (2); Imp. Act, 37-8 V. c. 42, s. 29; Imp. 50-1 V. c. 40, s. 3 (2).

Mistaken payments by the corporation, when valid.

56. Where the directors after the decease of any member or depositor, has paid such sum of money to the person who at

the time appeared to be entitled to the effects of the deceased, under the belief that he died intestate without having appointed any nominee, the payment shall be valid and effectual with respect to any demand, from any other person as next of kin or as the lawful representative of the deceased member or depositor, against the funds of the corporation; but, nevertheless, the next of kin or representative shall have his lawful remedy for the amount of such payment as aforesaid against the person who has received the same. R. S. O. 1887, c. 169, s. 46; Imp. Act, 37-8 V. c. 42, s. 29.

On transmission of shares by death, etc., the transferee must file declaration shewing nature of transmission.

57. If the interest of any person in any share in the capital stock, or debenture stock, or in any bond, debenture or obligation of any loan corporation, (such bond, debenture or obligation not being payable to bearer,) is transmitted in consequence of the death, or bankruptcy, or insolvency of such holder, or by lawful means other than a transfer upon the books of the corporation, the directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon the books of the corporation, or to recognize such transmission in any manner until a declaration in writing, showing the nature of such transmission, and signed and executed by the person or persons claiming by virtue of such transmission, and also executed by the former shareholder, if living and having power to execute the same, shall have been filed with the manager or secretary of the corporation and approved by the directors, and if the declaration, purporting to be signed and executed, shall also purport to be made or acknowledged in the presence of a notary public, or of a Judge of a Court of Record, or of a mayor of any city, town or borough, or other place, or a British Consul, or Vice-Consul, or other accredited representative of the British government in any foreign country, the directors may, in the absence of direct actual notice of a contrary claim, give full credit to the declaration, and (unless the directors are not satisfied with the responsibility of the transferee) shall allow the name of the party claiming by virtue of the transmission to be entered in the books of the corporation. R. S. O. 1886, c. 169, s. 47.

The transferee must also in certain cases file probate of will or certified extract from same, when directors may allow transfer.

58. If the transmission takes place by virtue of any testamentary act or instrument, or in consequence of an intestacy, the probate of the will or letters of administration, or document testamentary, or other judicial or official instrument under which the title (whether beneficial or as trustee), or the administration or control of the personal estate of the deceased shall purport to be granted by any Court or authority in the Dominion of Canada, or in Great Britain or Ireland, or any other of Her Majesty's dominions or in any foreign country, or an authenticated copy thereof or official extract therefrom, shall, together with the declaration mentioned in section 57, be produced and deposited with the manager, secretary, treasurer or other officer named by the directors for the

purpose of receiving the same, and such production and deposit shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, coupon, bond, debenture or obligation or share, or transferring, or consenting to the transfer of any bond, debenture or obligation or share, in pursuance of, and in conformity to such probate, letters of administration or other such document as aforesaid. R. S. O. 1887, c. 169, s. 48.

When directors have reasonable doubts as to legality of claim they may take opinion of High Court.

59. Whenever the directors shall entertain reasonable doubts as to the legality of any claim to or upon such share or shares, bonds, debentures, obligations, dividends, coupons or the proceeds thereof, then and in such case it shall be lawful for the directors to file in the High Court a petition stating such doubt, and praying for an order or judgment adjudicating and awarding the said shares, bonds, debentures, obligations, dividends, coupons or proceeds to the party or parties legally entitled to the same, and such Court shall have authority to restrain any action or proceedings against the corporation, the directors or officers thereof, for the same subject matter, pending the determination of the petition; and the corporation and the directors and officers thereof shall be fully protected and indemnified by obedience to such order or judgment against all actions, claims and demands in respect of the matters which shall have been in question in such petition, and the proceedings thereupon; Provided always, that if the Court adjudges that such doubts were reasonable, the costs, charges and expenses of the corporation in and about such petition and proceedings shall form a lien upon such shares, bonds, debentures, obligations, dividends, coupons or proceeds, and shall be paid to the corporation before the directors shall be obliged to transfer, or assent to the transfer, or to pay such shares, bonds, debentures or obligations, dividends, coupons or proceeds to the party or parties found entitled thereto. R. S. O. 1887, c. 169, s. 49.

Costs.

Disposition of proceeds of sale under mortgages.

60. In case of a sale of property mortgaged to the corporation, any surplus not exceeding $300, over and above the amount due to the corporation and costs, derived from sale under power of sale of any property mortgaged to the corporation, where the mortgagor or his assigns has or have died intestate, shall be personal property, whether the sale took place before or after the death of the mortgagor or person entitled to the equity of redemption. R. S. O. 1887, c. 169, s. 50.

Rights of execution creditors.

61. Where the amount standing to the credit of any depositor or shareholder exceeds $300, nothing in section 60 shall prejudice the right of any execution creditor in respect of any right or lien he may have in respect of such excess to the amount of the execution in the hands of the sheriff. R. S. O. 1887, c. 169, s. 51

Proviso.

Provided, however, that to the extent of $300, the amount standing to the credit of any depositor or shareholder in

a corporation registered under this Act, shall not while in the hands of the corporation or while in course of transmission from the corporation, be liable to demand, seizure or detention under legal process as against the said depositor or shareholder, or his nominee, assignee or representative, or as against any person to whom the corporation is by the seven sections next preceding authorized to pay said sum. R. S. C. c. 35 (P. O. Savings Bank, s. 58, where the whole deposit is exempted).

GENERAL MEETINGS OF SHAREHOLDERS.

Annual general meeting.

62.—(1) A general meeting of the shareholders of the corporation shall be held at least once in each year for the purpose of considering the financial statement of the corporation, and for the purpose of electing directors and auditors, and for the transaction of such other business as is proper to such regular general meeting under the law of the Province and the by-laws of the corporation.

Notice of annual meeting.

(2) Notice of the time and place of the holding of the annual general meeting of the shareholders shall be delivered, or shall be sent by post prepaid, to the address of each shareholder, so far as the same shall be known, or, on request, to his proxy residing in North America, if the shareholder does not reside therein or is absent therefrom; and such notice of the meeting shall be so delivered or sent at least ten days previously thereto, and a copy of the annual statement of the directors shall accompany such notice. 52 V. c. 34, s. 8.

Special general meetings may be had by resolution of directors;

63.—(1) The directors shall have the right at any time by resolution of the board passed in that behalf, to call a special general meeting of the shareholders for the transaction of any business specified in such resolution and in the notice calling the meeting.

or by requisition of shareholders.

(2) One-fourth part in value of the shareholders of the corporation shall by requisition delivered to the manager, acting manager, or secretary thereof, have at all times the right to call a special general meeting thereof, for the transaction of any business specified in such written requisition and in the notice calling the meeting R. S. O. 1887, c. 156, s. 17; c. 157, s. 39.

Notice required for special general meeting.

(3) Notice of the holding of every special general meeting of the shareholders shall be delivered, or shall be sent by post prepaid to the address of each shareholder, so far as the same shall be known, at least *ten* days before the day appointed for the meeting; the notice shall specify the time and place of the meeting and the business to be transacted thereat.

Affidavit as to notice.

(4) Before the business of any special general meeting is proceeded with there shall be produced and read a statement of the manager or secretary of the corporation declaring upon oath that the requirements of this section as to notice have been fully complied with; and a copy of the notice so delivered or sent and of the said affidavit in relation thereto, shall be entered

Minutes.

in the minute book of the corporation as part of the proceedings of the said meeting.

64. Any director of any Provincial loan corporation wilfully neglecting or omitting to give effect to the requisition mentioned in section 63, or to give the notice of general meetings required by sections 62 and 63, shall be guilty of an offence against this Act and the procedure and penalty shall be as in the case of an offence against section 117 of this Act. Cf. 52 V. c. 34, s 7. Penalty.

65. At all meetings of shareholders of the corporation the shareholders shall have one vote for each share held by them respectively upon which the holder shall not be *six months* in arrears, and the shareholder may either vote in person or be represented and vote by proxy, the proxy being himself a shareholder of the corporation and not *six months* in arrears; no shareholder shall hold or vote on proxies representing more than 25 per centum of the total number shares entitled to be voted on. R. S. O. 1887, c. 169, s. 72 (4), and s. 54. Voting power of shareholders.

66. Every proxy to vote for any shareholder, executed or given either before or after the passing of this Act, and whether a general or special proxy, shall cease to be valid, and shall not be acted on after the expiration of three years from the date thereof. 52 V. c. 34, s. 7. Limitation of proxies.

BY-LAWS.

67. The several shareholders of any registered Provincial loan corporation may from time to time assemble together, and make such proper by-laws for the government of the same as the majority of shareholders so assembled deem meet, such by-laws not being repugnant to the provisions of this Act or any other law in force in Ontario, and not inconsistent with the by-laws *prescribed* in Schedule A to this Act; and they may also from time to time amend or rescind the by-laws, and make new by-laws in lieu thereof, under such restrictions as are in this Act contained. R. S. O. 1887, c. 169, s. 3. Shareholders may make by-laws.

68. All by-laws of the corporation shall be reduced to writing, and shall have affixed thereto the common seal of the corporation, and any copy or extract therefrom, certified under the signature of the secretary or manager, shall be *prima facie* evidence in all civil Courts of Justice in Ontario of such by-laws or extracts from them, and that the same were duly made and are in force; and in any civil action or proceeding it shall not be necessary to give any evidence to prove the seal of the corporation, and documents purporting to be sealed with the seal of such corporation, attested by the president, treasurer or manager thereof, shall be held *prima facie* to have been duly sealed with the seal of the corporation. R. S. O. 1887, c. 169, s. 75. See also 37 V. c. 50 (D), s. 9. By-laws and documents of corporation; presumptive regularity.

By-laws to be recorded in a book, which is to be accessible.

69. The by-laws of the corporation shall be recorded in a book to be kept by the corporation for that purpose, and to be known as the "By-law Book" of the corporation; and such book shall, during reasonable business hours of every day, except Sundays and holidays, be open for the inspection of any shareholder, by himself or his agent. R. S. O. 1887, c. 169, s. 6; c. 157, s 53.

Proof of by-laws.

70.—(1) A copy of any by-law of the corporation, under its seal, and purporting to be signed by any officer of the corporation, shall be received as *prima facie* evidence of the by-law in all Courts in Ontario. R. S. O. 1887, c. 157, s. 40.

Examined copy of by-laws entered in book to be evidence.

(2). The entry of the by-laws in the books of the corporation, or a true copy of the same, examined with the original, and proved to be a true copy, shall be received as evidence thereof. R. S. O. 1887, c. 169, s. 8.

Entry of by-laws in book notice to shareholders.

71. The by-laws so recorded shall be binding upon the several shareholders and officers of the corporation and their representatives, and they shall be deemed to have full notice thereof by such record. R. S. O. 1887, c. 169, s. 7.

Copy of by-laws, etc. to be filed with Registrar.

72. Every loan corporation doing business in Ontario shall file with the Registrar a certified copy of its by-laws, also, within one month of the passing, a certified copy of every addition to, or amendment, or consolidation of the by-laws, made from time to time. Cf. Imp. 37-8 V. c. 42, s. 17

By-laws to declare how moneys to be applied.

73.—(1). Every Provincial corporation issuing terminating shares shall, in, or by one or more of its by-laws, direct the purposes to which the money from time to time subscribed to, received by and belonging to the corporation, shall be appropriated or apportioned, and in what shares or proportions, and under what circumstances any member, shareholder or other person, may become entitled to such money or any part thereof, in respect of the terminating shares held by them. R. S. O. 1887, c. 169, s. 4.

Moneys not to be misapplied under penalties.

(2). The by-laws shall be complied with and enforced, and the moneys so subscribed to, received by or belonging to the corporation, shall not be diverted or misapplied, either by the directors or any officer, servant, employee or member of the corporation entrusted therewith, under penalty of making full restitution to the corporation, and, if the Court so adjudge, paying also a fine to the corporation of not less than $200, nor more than $2,000, and this liability shall be additional to any liability under the criminal law. Cf. R. S. O. 1887, c. 169, s. 5.

Rules not to be removed by *certiorari*.

74. The by-laws shall not, by *certiorari* or other legal process, be removed into any of Her Majesty's Courts of Record. R S. O. 1887, c. 169, s. 9.

BOARD OF DIRECTORS, ITS CONSTITUTION AND POWERS.

Shareholders may delegate to directors power to make or amend by-laws.

75. The shareholders assembled in general meeting may by by-law passed in that behalf (of which by-law, as proposed, notice shall be given to *each* shareholder *with the notice of* such meeting,) empower the board of directors to make and amend by-laws for the corporation *ad interim*; which by-laws shall (as provided by section 77) have a binding effect until the next general meeting of the corporation; and all acts and orders of the directors under the powers delegated to them shall have the like force and effect as the acts and orders of a general meeting of the corporation. R. S. O. 1887, c. 169, s. 16.

Minute books of corporation.

76. The transactions of all general meetings of the corporation, and of all meetings of the board of directors shall be entered in a book to be known as the Minute Book of the corporation; provided that the transactions of the directors shall at all times be subject to the review, allowance and disallowance of a general meeting of the corporation in such manner and form as the corporation by its by-laws directs and appoints; provided, however, also that all acts and orders of the directors under the powers delegated to them shall have the like force and effect as the acts and order of a general meeting of the corporation. R. S. O. 1887, c. 169, s. 16.

Transactions of directors subject to review.

Proviso.

Confirmation of shareholders.

77. By-laws duly passed by the board of directors pursuant to section 75, shall have a binding effect until the next succeeding general meeting of the shareholders when the said by-laws shall cease to have a binding effect unless confirmed by a two-thirds vote of the shareholders present either in person or by proxy at such meeting, notice being given of the proposed by-laws in the notice calling the meeting; and in default of such confirmation thereat, shall at and from that time only cease to have force, and in that case no new by-law to the same or like effect shall have any force until confirmed at a general meeting of the shareholders. R. S. O. 1887, c. 169, s. 72 (2).

Alteration at general meeting.

78. At such general meeting the shareholders may, by a like vote, alter or amend such by-laws, and may confirm the same as so altered and amended. R. S. O. 1887, c. 169, s. 72 (3); c. 156, s. 15 (*h*); c. 157, s. 37 (*g*). See also 37 V. c. 50, (*D*) s. 1.

Number, powers and duties of directors; and their tenure of office.

79. In every Provincial loan corporation the by-laws shall declare the powers and duties of the directors; also the number of directors constituting the board and their tenure of office, not exceeding two years. Provided that where the tenure of office is for one year only the number of directors constituting the board shall be not less than three nor more

than nine; provided also that, where the tenure of office is for two years the number of directors constituting the board shall be not less than four nor more than ten, and one-half of the directors shall retire annually at the general meeting in rotation, but these and all other retiring directors shall if otherwise qualified be eligible for re-election. Cf. R. S. O. 1887, c. 156, secs. 11, 12.

Ballot; qualification of directors.

80. Election of directors shall be by ballot, but no person shall be elected or nominated as director unless he is of the full age of twenty-one years and is a shareholder holding shares or stock absolutely in his own right, and is not in arrear in respect of any call or contribution thereon. Cf. R. S. O. 1887, c. 156, s. 10, s. 12.

Provision in case of failure of election.

81. If at any time an election of directors is not made, or does not take effect at the proper time, the company shall not be held to be thereby dissolved, but the election may take place at any general meeting of the corporation duly called for that purpose, and the retiring directors shall continue in office until their successors are elected. R. S. O. 1887, c. 156, s. 13.

Interim vacancies.

82. Vacancies occurring in the board of directors may be filled for the unexpired remainder of the term by the board from among the qualified shareholders of the corporation. R. S. O. 1887, c. 165, s. 12 (5).

Powers of directors to be declared by by-laws.

83. In every Provincial loan corporation the powers of the directors shall, subject to this Act, be declared by the by-laws of the corporation and they shall continue to act during the time appointed by the by-laws; and the directors shall and may lawfully exercise all the powers of the corporation except as to such matters as are directed by law or by the by-laws of the corporation to be transacted at a general meeting thereof and have not been by a general meeting delegated to the directors as provided by section 75. R. S. O. 1887, c. 169, s, 13, s. 73.

Directors; officers of Board.

84. The directors shall from time to time elect from among themselves a president and vice-president, and they shall in all things delegated to them act for and in the name of the corporation, and the concurrence of a majority of the directors present at any meeting shall at all times be necessary to any act of the board. R. S. O. 1887, c. 169, s. 15.

Delegated powers to be recorded in minute book.

85. In case directors are appointed by the board for a particular purpose, the powers delegated to them shall be reduced to writing and entered in the minute book of the corporation. R. S. O. 1887, c. 169, s. 14.

Transactions of Board to be entered, and to be subject to review.

86. The transactions of the board shall be entered in the minute book of the corporation, and shall at all times be sub-

ject to the review, allowance and disallowance of the shareholders in general meeting in such manner and form as the by-laws of the corporation direct and appoint. R. S. O. 1887, c. 169, s. 17.

General powers of directors.

87. Subject to this Act, and to any Act or instrument constituting the corporation and to the by-laws of the corporation, the directors may use and affix, or may cause to be used and affixed, the seal of the corporation to any document or paper which in their judgment may require the same, they may make and enforce the calls upon the shares of the respective shareholders; they may declare the forfeiture of all shares on which such calls are not paid; they may make any payments and advances of money they may deem expedient which are authorized to be made by or on behalf of the corporation, and enter into all contracts for the execution of the purposes of the corporation, and for all other matter necessary for the transaction of its affairs; they may generally deal with, *borrow on*, *hypothecate*, treat, sell and dispose of the lands, property and effects of the corporation, for the time being, in such manner as they deem expedient and conducive to the benefit of the corporation, as if the same lands, property and effects were held and owned according to the tenure and subject to the liabilities, if any, from time to time affecting the same, not by a body corporate, but by any of Her Majesty's subjects being of full age; they may do and authorize, assent to or adopt, all acts required for the due exercise of any further powers and authorities from time to time conferred by the Legislature R. S. O. 1887, c. 169, s. 74; c. 156, s. 14, also 37 V. c. 50 (D), s. 8.

By-laws for particular purposes.

88. The directors of any Provincial loan corporation may, pursuant to a general or special by-law passed in that behalf by a general meeting, from time to time, make by-laws, not contrary to law or to the special Act, or to this Act, to regulate:

Stock.

(*a*) The allotment of stock, the issue of shares, the making of calls thereon, the payment thereof, the issue and registration of certificates of shares or stock, the forfeiture of shares for non-payment, the disposal of forfeited shares and of the proceeds thereof, the transfer of shares or stock, the subdivision of existing shares into shares of smaller amount. R. S. O. 1887, c. 157, s. 37 (17).

Dividends.

(*b*) The declaration and payment of dividends.

Directors.

(*c*) The number of directors, their term of service, the amount of their stock qualification;

Officers.

(*d*) Subject to the provisions of section 92, the appointment, functions, duties and removal of all agents, officers and servants of the corporation, the security to be given by them to the corporation and their remuneration;

Annual meetings.

(*e*) The time at which and place where the annual meetings of the corporation shall be held;

Procedure.

(*f*) The calling of meetings, regular and special, of the board of directors, and of the corporation, the quorum, the requirements as to proxies and the procedure in all things at such meetings;

Miscellaneous.

(*g*) The imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and,

By-laws to be confirmed.

(*h*) The conduct in all other particulars of the affairs of the corporation:

and may from time to time repeal, amend or re-enact the same; but every such by-law and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the corporation having notice of such proposal, shall only have force until the next annual meeting of the corporation, and in default of confirmation thereat, shall, at and from that time only, cease to have force; and in that case no new by-law to the same or like effect shall have any force until confirmed at a general meeting of the corporation. R. S. O. 1887, c. 156, s. 15; c. 157, s. 37.

BOOKS TO BE KEPT BY CORPORATIONS.

Record books to be kept, and what to contain.

89.—(1) Every loan corporation constituted by the Province, or having its head office therein, shall cause a book or books to be kept at the head office in the Province by the secretary, or by some other officer especially charged with that duty, wherein shall be kept recorded:

(*a*) A copy of the letters patent or other instrument or Act constituting the corporation, and of any instrument or Act supplementary thereto;

(*b*) All by-laws of the corporation as provided in section 69.

(*c*) The names alphabetically arranged of all persons who at the passing of this Act are holders of permanent shares or stock; and the address and calling of every such person while such shareholder; and the amounts paid in, and remaining unpaid respectively on the permanent stock of each shareholder; and all transfers of permanent stock in their order as presented to the corporation for entry, with the date and other particulars of each transfer, and the date of the entry thereof;

(*d*) The like particulars respecting holdings and transfers of debenture stock:

(*e*) The names, address and calling of all persons who at the passing of this Act are directors of the corporation; with the several dates at which each person became or ceased to be such director. R. S. O. 1887, c. 157, s. 50; 52 V. c. 34, s. 1, 2, 3, 4, 5; R. S. C. c. 119, s. 43.

Books to be open for inspection and taking extracts.

(2) Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open at the chief office of the corporation in the Province for the inspection of shareholders and holders of debentures or debenture stock of the corporation, and their personal representatives; and every such *person* may, by himself or his agent, make extracts therefrom. R. S. O. 1887, c. 157, s. 53; R. S. C. c. 119, s. 44.

Books to be *prima facie* evidence.

(3) Such books shall be *prima facie* evidence of all facts purporting to be thereby stated in any action or proceeding against the corporation or against any shareholder thereof. R. S. O. 1887, c. 157, s. 54; R. S. C. c. 119, s. 47.

Forfeiture for neglect.

(4) Every such corporation which neglects to keep such book or books as aforesaid shall be liable to forfeit its registry under this Act; and if incorporated by the Province shall be liable to forfeit also its corporate franchise and rights. Cf. R. S. C. c. 119, s. 46; 52 V. c. 34, s. 5.

Penalty for false entries.

(5) No auditor, director, officer or servant of the corporation shall knowingly make or assist to make any untrue entry in any such book, or shall refuse or neglect to make any proper entry therein, and any person violating the provisions of this section shall, besides any criminal liability which he may thereby incur, be liable in damages for all loss or injury which any person interested may have sustained thereby. R. S. O. 1887, c. 157, s. 55.

Liability for refusal to allow inspection of books.

(6) Any director or officer or employee who having the possession, custody or control of such books, refuses to permit any person entitled thereto to inspect such book or books or make extracts therefrom, either by himself or his agent, shall be liable to a penalty of $100.00, or in default of payment thereof to imprisonment for any period not exceeding three months. R. S. O. 1887, c. 157, s. 56; 52 V. c. 34, s. 6.

Register of securities.

90. A register of securities shall be kept, which register in the case of a loan corporation incorporated by or having its head office in the Province, shall include all securities held by the corporation; in the case of other loan corporations it shall include all the securities held upon or in respect of property in the Province; and within thirty days after the taking of any security, a proper entry, specifying the nature and amount of such security, and the names of the parties thereto, with their proper additions, shall be made in such register. 54 V. c. 38, s. 17

Terminating Shares Book.

91. In all such corporations where, and so long as there are any holders of terminating shares or stock, a book, to be known as the Terminating Shares Book, shall be kept, in which shall be entered the name, address and calling of every such person while such shareholder; the number and amount of shares from time to time taken by him, and his several payments thereon, the interest or profits earned by his shares, also the repayments or the advances, if any, made by the corporation on account of his shares. In any case of forfeiture of shares there shall be an entry thereof, with the date of the forfeiture. The provisions of subsections 3, 4 and 5 of section 89 shall equally apply to the books prescribed by sections 90, 91

AUDIT: STATEMENTS TO SHAREHOLDERS.

Auditors: term of office and how chosen; qualifications.

92.—(1) In every Provincial loan corporation two or more auditors shall be chosen by the shareholders in general meeting assembled, and the auditors so chosen shall audit the books, accounts and vouchers for the year then current, provided that if any auditorship becomes vacant during the said year, the board of directors may fill such vacancy until the next general meeting of shareholders. Every auditor shall be a competent accountant, not holding nor having for at least two years prior to his becoming auditor, held, any other office or other employment under the corporation. An auditor need not be a shareholder of the corporation. Cf. R. S. O. 1887, c. 169, s. 82 (1).

Removal of auditors; remuneration of auditors and directors.

(2) The removal of the auditors of the corporation, and the remuneration of the auditors and directors shall be determined at general meetings of the shareholders. R. S. O. 1887, c. 169, s. 82 (1).

☞Provided that for incapacity, misconduct or negligence, the board of directors may, by a two-thirds majority, suspend any auditor until the next general meeting of the corporation, and in the event of such suspension shall appoint an auditor *ad interim*.

Provided also that if any auditorship becomes vacant between two general meetings of the corporation, the board of directors may fill the vacancy until the next general meeting.☜

Periodical financial statement to shareholders.

93.—(1) The treasurer or other principal officer of the corporation shall once at least in every year prepare a general statement of the liabilities and assets of the corporation, (specifying in whose custody or possession the funds and effects of the corporation are then remaining,) together with an account of all sums of money received or expended by or on account of the corporation since the publication of the next preceding periodical statement and bringing forward the cash balance from that statement. R. S. O. 1887, c. 169, s. 43. Cf. Imp. Act 37-8 V. c. 42, s. 40.

Periodical statement to bear auditors' certificate.

(2) Every such periodical statement shall be attested by the signature of the treasurer or other principal officer of the corporation, and shall contain a certificate signed by the auditors

stating that they have duly audited the books, accounts, securities and vouchers of the corporation and have found the following result (*stating the result of the audit*) ; and every shareholder shall be entitled to receive from the corporation, without charge, a copy of such *signed and certified* statement. Cf. R. S. O. c. 169, s. 44.

OFFICERS AND SERVANTS; CUSTODY OF BOOKS AND EFFECTS OF CORPORATION.

Directors to appoint officers.

94. Subject to section 92, the directors shall from time to time, at any of their usual meetings, appoint such persons as they think proper to be officers or servants or employees of the corporation, grant such salaries and emoluments as they deem fit, and pay the necessary expenses attending the management of the corporation ; and shall from time to time appoint such persons as may be necessary for the purposes of the corporation, for the time and for the purpose expressed in the by-laws of the corporation, and may from time to time discharge such persons, and appoint others in the room of those who vacate, die or are discharged. R. S. O. 1887, c. 169, s. 18.

"Manager" and "Managing Director."

95. The secretary or treasurer or secretary-treasurer *or other officer* of the corporation may be styled "Manager," and when the officer is also a director he may be styled "Managing Director." R. S. O. 1887, c. 169, s. 19.

Certain persons in service of corporation to furnish security.

96. Every officer or other person appointed to any office in anywise concerning the receipt, safe-keeping or proper application of money shall furnish security to the satisfaction of the directors for the just and faithful execution of the duties of his office according to the by-laws of the corporation, and any person entrusted with the performance of any other service may be required by the directors to furnish similar security ; and the securities so furnished and then subsisting shall be produced to the auditors as part of the annual audit hereinbefore prescribed. R. S. O. 1887, c. 169, s. 20.

Property, investments, evidence and books of account and record to be the property of the corporation and to vest therein.

97. All real and personal estate, property and effects, and all titles, securities, instruments and evidences, and all rights and claims of or belonging to the corporation shall be vested in the corporation. The books used by any auditor, officer, collector or agent for verifying or for recording moneys received for the corporation shall be the property of the corporation ; nor shall the foregoing persons or any solicitor, counsel or other person whatsoever have in these or in any other of the books of account or record of the corporation any ownership or proprietary right, or any right of lien whatsoever ; and any person who in contravention of this section, withdraws, withholds or detains any of the said books from the possession or control of the directors, or from the receiver or liquidator of the corporation, shall be guilty of an offence :

Penalty.

and the procedure and penalty shall be as in the case of an offence against section 117 of this Act. 55 V. c. 39, s. 30 (4;) Imp. 38-9 c. 60, s. 16.

After decease, bankruptcy, etc., of officer, books, etc., to be delivered to corporation.

☞**98**. If a person appointed or elected to an office and being entrusted with and having in his possession books, moneys, securities, documents, or other property or effects belonging to the corporation, or relating thereto, dies, resigns, vacates, or becomes incapacitated by mental or physical debility, or becomes bankrupt or insolvent, his legal representative or other person or persons having such property or effects in possession or custody, shall within fifteen days after the decease or the resignation, vacancy, incapacity, bankruptcy or insolvency, deliver all such property and effects belonging to the corporation to such person or persons as the directors or executive officers appoint. Cf. R. S. O. 1887, c. 169, s. 40.☜

ANNUAL STATEMENT TO DEPARTMENT: REGISTRAR'S REPORT.

Annual statement.

99.—(1) It shall be the duty of the presiding officer and the manager or secretary of every registered loan corporation to prepare annually on the 1st day of January, or within two months thereafter, according to a printed form to be supplied on application to the Corporations Registrar, a statement of the financial condition and affairs of the corporation for the purposes of this Act; and the statement, having been signed and sworn to by the president or vice-president and the manager or secretary, shall, together with a certified copy of the auditor's statement or certificate, be filed with the Registrar on or before the 1st day of March then next ensuing; and any corporation refusing or neglecting to so file its statement or to make prompt and explicit answer to any inquiries then or at any time put by the Registrar touching the corporation's contracts or finances shall be liable to suspension or cancellation, or non-renewal of registry; and to a penalty of $50 for each day of default in filing, but not exceeding in the whole $1,000. R. S. O. 1887, c. 169, secs. 83, 84; 55 V. c. 39, s. 47 (1).

Refusal of information.

Who may administer oaths under the Act.

(2) The financial statement required by the next preceding sub-section may be sworn to before any Justice of the Peace Notary Public, or Commissioner of the High Court for taking affidavits, and every such person is hereby authorized to administer an oath for purposes of any document required or permitted by this Act. 55 V. c. 39, s. 47 (2).

☞(3) The financial statement required by this section shall, in the case of an extra-Provincial corporation, comprise a certified copy of the last audited financial statement published or prepared by the corporation for the information of its shareholders and members, and also a statement of the business of the said corporation within the Province for the year then last ended; and the last mentioned statement shall be signed and sworn to by the chairman of the board (or other presiding officer) and the secretary, or by the manager or chief agent and accountant or secretary of such corporation.☜

100. Together with the statement mentioned in section 99 the corporation shall file a certified copy of the statement or statements furnished to shareholders during the year then ended. Copy of periodical statement or statements.

101. From the statements so filed the Corporations Registrar shall cause to be prepared, printed and distributed a report which may be known as the Loan Corporations Statements for the year ending 31st December (naming the year), and such report shall include a list of registered loan corporations brought up to its actual date of publication. 55 V. c. 39, s. 48. Cf. Imp. 57-8 Vic. c. 47, s 27. Registrar's Annual Report.

102.—(1) The Registrar shall not in any initial or renewal certificate of registry or in any other publication, or otherwise, vouch for the solvency or financial standing of any corporation; nor shall the printing of a corporation's statement in the Registrar's report, operate, or be anywise construed as a warranty of solvency. 55 V. c. 39, s. 22 (1). Registrar not to vouch for financial condition or solvency of any corporation

(2) No corporation shall under penalty of becoming disentitled to registry, circulate, publish, print or make any statement or representation contrary to the intent of this section; and any auditor, officer, servant, employee or agent of the corporation who uses any such contrary statement or representation for the purpose of obtaining or transacting business shall be guilty of an offence, and shall upon summary conviction thereof before any Police or Stipendiary Magistrate or two Justices of the Peace having jurisdiction where the offence was committed be liable as for an offence against section 117 of this Act, and the procedure and penalty presented by the said section shall equally apply in the case of an offence committed against this section. 55 V. c. 39, s. 22 (3). Misrepresentation of registry. Penalty.

REGISTRAR; REGISTERS; PROCEEDINGS TO REGISTRY.

103.—(1) The Lieutenant-Governor in Council may appoint an efficient officer of the public service as the Corporations Registrar and such assistants as may be necessary. Appointment of Registrar and assistants.

(2) The remuneration of the Registrar and such assistants in respect of the services required by this Act shall be such sums as the Legislature shall from time to time provide for the purpose. 55 V. c. 39 s. 7 (3.)

104. On the passing of this Act, the Registrar shall cause to be opened and kept three several registers, to be known and distinguished as follows :— Three registers to be kept.

(1) The Loan Companies' Register; whereon shall be recorded the names of such loan corporations as are from time to time found entitled to registry, whose powers do not include the business of buying and selling land, or the business of a corporate trustee, executor, administrator, guardian, receiver, or assignee. Cf. R. S O. 1887, c. 157, s. 78 (2); 58 V. c. 32, Schedule A. Loan Companies' Register.

Loaning Land Companies' Register.

(2) The Loaning Land Companies' Register, whereon shall be entered the names of such loan corporations as are from time to time found entitled to registry, whose powers include the business of buying and selling land, but not the business of a corporate trustee, executor, administrator, guardian, receiver or assignee.

Trusts Companies' Register.

(3) The Trusts Companies' Register; whereon shall be entered the names of such loan corporations as are from time to time found entitled to registry, whose powers include the business of a corporate trustee, executor, administrator, guardian, receiver or assignee, but do not include the business of buying and selling land as principal.

Duties of Registrar.

105.—(1) The duty of determining, distinguishing and registering these corporations which under this Act are required to be registered and are legally entitled to registry, and of granting registry accordingly, shall devolve upon the Corporations Registrar, subject to appeal as hereinafter provided. 55 V. c. 39, s 7 (1).

Evidence.

(2) For purposes of his duties under this Act the Registrar may require to be made, or may take and receive affidavits or depositions, and may examine witnesses upon oath. 55 V. c. 39, s. 7 (2).

(3) The evidence and proceedings in any matter before the Registrar may be reported by a stenographic writer who has taken an oath before the Registrar to faithfully report the same. 55 V. c. 39, s. 50 (4).

Declaration now filed with Clerks of Peace to be sent to Registrar.

106.—(1) On the passing of this Act all declarations or articles of incorporation of loan companies or building societies (under any former Act of the Province, or any of the Acts by this Act repealed) which are now filed with the Clerk of the Peace of any county, or division or union of counties, shall be taken off the file, and transmitted by the Clerk of the Peace to the Corporations Registrar together with a schedule in duplicate of the instruments so sent; and a receipt by the Registrar for the instruments by him received shall discharge the Clerk of the Peace from all further responsibility in respect of the instruments so sent and received. Cf. Imp. 37-8 V. c. 42, s. 10.

(2) After the issue of the charter to any corporation the Provincial Secretary shall transfer all papers in his Department connected with such company to the office of the Registrar.

Applications for initial registry.

107.—(1) Applications of loan corporations for initial registry under this Act, shall be made according to a form to be supplied on request, and the applicant shall deliver to the Registrar the application duly completed, together with such evidence as the form by its terms requires, and the applicant shall (if required) furnish such further information, material and evidence, or give such public notice of the application as the Registrar shall direct; in the case of loan corporations operating in the Province at the passing of

this Act, such corporations shall make due application for registry on or before the 30th day of June, 1897. 55 V. c. 39, s. 12 (1).

Extension of time.

(2) On sufficient cause shown, and upon payment to the Provincial Treasury of the fee hereinafter prescribed, the Registrar may, by writing under his hand and the seal of the Department, extend the time for the delivery of an application (either before or after the said 30th day of June), or for the prosecution or completion of an application already delivered or tendered. 55 V. c. 39, s. 12 (2).

Financial statement to accompany application.

(3) The applicant corporation shall with its application file a financial statement (in such form as is required by the Registrar), of the financial condition and affairs of the corporation on the 31st day of December then next preceding or up to the usual balancing day of the corporation, if such balancing day is not more than twelve months before the filing of the statement; and such statement showing the corporation to be solvent shall be signed and verified as prescribed in section 99. 55 V. c. 39, s. 13.

Power of attorney to receive process, etc., must accompany applications in certain cases.

108.—(1) Where any corporation applying for registry has its head office elsewhere than in Ontario, its application for registry shall be accompanied by a power of attorney from the corporation to an agent resident in Ontario; the power of attorney shall be under the seal of the corporation, and be signed by the president and secretary or other proper officers thereof in the presence of a witness, who shall make oath or affirmation as to the due execution thereof; and the official positions in the corporation held by the officers signing such power of attorney shall be sworn to or affirmed by some person cognizant of the facts necessary in that behalf. 55 V. c. 39, s. 14 (1).

Contents of power of attorney.

(2) The power of attorney shall declare at what place in the Province the chief agency of the corporation is, or is to be established, and shall expressly authorize such attorney to receive service of process in all actions and proceedings against the corporation in the Province for any liabilities incurred by the corporation therein, and also to receive from the Registrar all notices which the law requires to be given, or which it is thought advisable to give, and shall declare that service of process for or in respect of such liabilities, and receipt of such notices at such office or chief agency, or personally, on or by such attorney at the place where such chief agency is established, shall be legal and binding on the corporation to all intents and purposes whatsoever. 55 V. c. 39, s 14 (2).

Filing of power of attorney.

(3) The power of attorney duly executed shall be filed with the Registrar, and the filing with the Corporations Registrar of such power of attorney or any other power of attorney from the company to an attorney or attorneys in the Province of Ontario authorizing the execution on behalf of the company of deeds, discharges or other instruments shall be equivalent to and render unnecessary the registering of a power of attorney

by the said agent or attorney in any registry office where any discharge of mortgage or other instrument signed by such agent or attorney has to be registered, and shall be a full compliance with any Act or law requiring the registration of a power of attorney by such agent or attorney acting on behalf of the company. 55 V. c. 39, s. 14 (3).

(4) The said power of attorney may confer upon the chief agent or chief agents of the said corporation any further or other powers which the said corporation may deem it advisable to confer upon him or them. The production of a copy of such power of attorney certified by the Corporations Registrar, shall be sufficient evidence for all intents and purposes whatsoever of the power and authority of the person or persons therein named to act on behalf of the loan corporation therein named, in the manner and for the purposes set forth in such certified copy, and no further evidence thereof shall be required.

(5) If the corporation applying for registry under this Act is a corporation already licensed to do business in the Province of Ontario under chapter 168, R. S. O. 1887, or the amendments thereto, then a copy of the power of attorney to the agent of a company in this Province already filed with the Provincial Secretary at the time of the application for such license shall be accepted by the Corporations Registrar as the power of attorney required by the foregoing provisions of this section.

(6) In the case of any loan corporation which under any statute of the late Province of Canada is authorized or directed to register and file any commission or power of attorney in any public office, filing such commission or power of attorney under the provisions of this Act, shall be deemed to satisfy and shall satisfy all the requirements of the said statute as to the registration, filing and publication thereof, and an office copy thereof certified by the Corporations Registrar shall be equivalent to an office copy thereof certified by the Provincial Secretary in accordance with the provisions of such statute.

Changes in chief agent or agency.

(7) Whenever the corporation changes its chief agent or chief agency in the Province, the corporation shall file with the Registrar a power of attorney as hereinbefore mentioned, containing any such change or changes in such respect and containing a similar declaration as to service of process and notices as hereinbefore mentioned. 55 V. c. 39, s. 16.

Service of process thereafter.

(8) After the power of attorney is filed as aforesaid any process in any action or proceeding against the corporation for liabilities incurred in the Province, may be validly served on the corporation at its chief agency; and all proceedings may be had thereon to judgment and execution in the same manner and with the same force and effect as in the proceedings in a civil action in the Province. provided that nothing herein contained shall render invalid, service in any other mode in which the corporation may be lawfully served. 55 V. c. 39, s. 17 (1).

(9) If the power of attorney becomes invalid or ineffectual from any reason, or if other service cannot be effected, the Court or a Judge may order substitutional service of any process or proceeding to be made by such publication as is deemed requisite to be made in the premises, for at least one month in at least one newspaper; and such publication shall be held to be due service upon the corporation of such process or proceeding. 55 V. c. 39, s. 17 (2). Substitutional service of process.

109.—(1) On the proper register the Registrar shall cause to be entered the name of every corporation, which from time to time he, or in case of appeal, the Lieutenant-Governor in Council, shall find legally entitled to registry, together with the date of the commencement of registry; also the term for which (in the absence of suspension, revocation or cancellation,) the registry is to endure; which term shall begin as from the date of the said commencement, and shall end not later than the 30th day of June then next ensuing; he shall also cause to be entered on the register the place where the head office, and the chief agency (if any) are situated, and if there is a chief agency, the name and address of the chief agent; also, if during the term, the registry has been suspended, or revived, or revoked, or cancelled, the date and authority for such suspension, revivor, revocation, or cancellation. 55 V. c. 39, s. 18 (1). Recording registry; entries on register.

(2) To all corporations found entitled to registry, or renewal of registry, and registered accordingly, the Registrar shall issue under his hand and the seal of the Department a certificate of registry, initial or renewed, as the case may be, setting forth that it has been made to appear to him that the corporation is entitled to registry as a (*describing the corporation*) under this Act, and that the corporation is accordingly registered for the term stated in the certificate. Every certificate of registry granted under this Act shall specify the first day, and also the last day, of the term for which the corporation is registered; and the corporation so registered shall be deemed to be registered from the commencement of the first day to the end of the last day so specified. 55 V. c. 39, s. 18 (2); s. 26 (5). Issue of certificate of registry. Commencement and end of certificates

(3) In the case of all loan corporations any certificate of registry issued under this Act not being an interim or an extended certificate, shall, unless sooner suspended or cancelled, remain valid until the then next ensuing thirtieth day of June inclusive, when, if the corporation has complied with the law and continues solvent, the corporation shall be entitled to a certificate of renewed registry, and so, on every succeeding thirtieth day of June thereafter. 55 V. c. 39, s. 20. Duration of registry.

(4) Upon proof that a corporation has, by accident or unavoidable cause, been prevented from fully complying with the provisions of this Act within the time prescribed, and upon payment to the Provincial Treasury of the fee herein- Interim certificate:

after enacted, the Registrar may by writing under his hand and the seal of the Department, grant, for a time limited therein, an interim certificate of registry, or may by such sealed writing extend for a limited time, the duration of a subsisting certificate of registry; but in default in either case of renewal of registry before the expiry of the time so limited, the corporation shall be deemed to be unregistered at and from the said expiry. 55 V. c. 39, s. 21.

Extension of certificate.

CORPORATE NAME: CHANGE OF NAME OR OF HEAD OFFICE.

Similar corporate names:

110.—(1) No corporation shall be registered under a name identical with that under which any other existing corporation is registered, or so nearly resembling such name as to be likely, nor shall be registered under any other name likely, in the opinion of the Registrar, to deceive the members or the public as to its identity; and no registered corporation shall be registered under a new or a different name, except upon proof that such new or different name is authorized by law. 55 V. c. 39, s. 23.

New name:

Change of corporate name.

(2) Where a loan corporation within the legislative authority of this Province is desirous of adopting a name different from that by which it was incorporated, or where, in the opinion of the Registrar, the name by which the corporation was incorporated may be easily confounded with that of any other existing corporation, the Lieutenant-Governor in Council, may change the name of the corporation to some other name to be set forth in the order in Council: but no such change of name shall affect the rights or obligations of the corporation, and all proceedings which might have been continued or commenced by or against the corporation by its former name may be continued or commenced by or against the corporation by its new name. 55 V. c. 39, s. 24 (1).

Change of head office.

(3) Upon the like procedure the location of the head office of a loan corporation may be changed.

Public notice.

(4) Of any change of name or head office, and of any application for such change, such public notice shall be given in the *Ontario Gazette* and otherwise, as the Registrar shall direct. 55 V. c. 39, s. 24 (2).

CORPORATIONS ADMISSIBLE TO REGISTRY: REFUSAL, SUSPENSION, REVIVOR, CANCELLATION OF REGISTRY: APPEAL.

What shall be admissible to registry as loan corporation.

111. The following corporations, being solvent, shall, upon due application, be admissible to registry, and no other shall be registered:—

Corporations hereinafter constituted by the Province.

(1) Loan corporations hereafter duly constituted under the law of the Province.

(2) Every loan corporation, which being duly constituted under the law of this Province, or of any other Province of Canada, or of the Dominion of Canada, or of the United Kingdom, was in actual, active and *bona fide* operation in Ontario on the tenth day of February, 1897. R. S. O. 1887, c. 169, secs. 1, 2 (1); 54 V. c. 38, secs. 3, 15; R. S. O. 1887, c. 168, s. 1; 56 V. c. 30, 1; R. S. O., c. 157, s. 3, as amended by 56 V. c. 30, s. 2, and by 57 V. c. 47, s. 2; 58 V. c. 32, schedule.

Active corporations in present *bona fide* operation in the Province.

(3) Every loan corporation, which being duly constituted as a joint stock corporation under the law of any other Province of Canada, or of the Dominion of Canada, or of the United Kingdom, issues only permanent shares, and which, not having been in such operation in Ontario on the said day, has a subscribed permanent stock of not less than $500,000, whereof $100,000 is paid up and unimpaired.

Certain non-Provincial corporation, not in present actual operation in the Province.

112.—(1) Upon proof that any registry or certificate of registry has been obtained by fraud or mistake, or that a corporation exists for an illegal purpose, or is insolvent, or has failed to pay its obligations, or has wilfully, and after notice from the Registrar, contravened any of the provisions of this Act, or has ceased to exist, the registry of the corporation may be suspended or cancelled by the Registrar. 55 V. c. 39, s. 25 (1); Imp. 57-8 V. c. 47, s. 6 (1).

Suspension or cancellation of registry.

(2) On the suspension or cancellation of the registry of any corporation, the Registrar shall, by registered post or otherwise, cause notice thereof, in writing under his hand, to be delivered to the corporation at its head office, whether situate in the Province or elsewhere, or at the chief agency of the corporation in Ontario; and from and after such suspension or cancellation, the corporation shall (except in event of and after revivor) absolutely cease to transact or undertake the business of a loan corporation in Ontario, except so far as necessary for the winding up of such business, and so as not to prejudice any liability actually incurred by such corporation, which may be enforced against the same as if such suspension or cancellation had not taken place. 55 V. c. 39, s. 25 (2).

Notice of suspension or cancellation of registry to be given to the corporation.

113.—(1) Where in any disputed case the Registrar decides that a corporation is or is not legally entitled to registry, or to renewal of registry, or where he suspends, revives, revokes or cancels the registry of a corporation, the Registrar, except as otherwise herein provided shall give his decision in writing and shall cause a copy thereof, certified under the seal of the Department to be delivered by registered post or otherwise to the corporation at its head office, or chief agency in Ontario. 55 V. c. 39, s. 50 (1).

Decision of Registrar to be in writing and to be delivered to corporation.

Certified copy of judgment, or of a certificate of registry.

(2) A certified copy of any such decision, or of any certificate of registry may be had on application to the Registrar, and upon payment to the Provincial Treasurer of the fee hereinafter prescribed. 55 V. c. 39, s. 50 (2).

Affidavits and depositions to be filed.

(3) The affidavits and depositions received or taken by the Registrar in any disputed case shall be filed.

Appeal to the Lieutenant-Governor in Council.

114.—(1) An appeal shall *lie* to the Lieutenant-Governor in Council from any decision of the Registrar affecting the right of any corporation or company to register; or affecting the revivor of registration of any company or corporation, or suspending or cancelling the registration of any company or corporation, and from any decision of the Registrar under sections 109, 110, or in any other case by leave of the Lieutenant-Governor in Council.

Notice of appeal; and grounds.

(2) Unless otherwise ordered by the Lieutenant-Governor in Council, no appeal shall be allowed unless notice thereof is delivered to the Registrar within thirty days after the decision appealed against has been made; nor unless there is therewith delivered to the Registrar a statement setting out clearly the grounds of appeal, including the facts alleged and the points of law to be argued, and the evidence and authorities relied upon.

Decision.

(3) The decision of the Lieutenant-Governor in Council shall be final and conclusive.

Cancellation of registry by request of corporation.

115. The Registrar may, if he thinks fit, at the request of the corporation, evidenced in such manner as he may direct, cancel the registry of the corporation. Imp. 57-8, V. c. 47, s. 6 (4).

NOTICE TO CORPORATION FOR ANY PURPOSE OF THE ACT.

Service of papers.

116. Delivery of any written notice to any loan corporation for any purpose of this Act, where the mode thereof is not otherwise expressly provided, may be by letter delivered at the head or chief office of the corporation in Ontario or chief agency therein, or by registered post letter addressed to the corporation, its manager or agent at such chief office or agency, or by such written notice given in any other manner to an authorized agent of the corporation. 55 V. c. 39, s. 43.

UNREGISTERED LOAN CORPORATIONS PROHIBITED.

No unregistered corporation to undertake the business of a loan corporation.

117.—(1) After the thirty-first day of December, 1897, no incorporated body or persons acting in its behalf, other than a corporation standing registered under this Act, and persons duly authorized by such registered corporation to act in its behalf, shall undertake or transact the business of a loan corporation in the Province, as such business is described in sub-section 5 of section 2 of this Act. In the case of any loan corporation whatsoever any setting up or exhibiting of a

sign or inscription containing the name of the corporation, or any distribution or publication of any proposal, circular, card, advertisement, printed form or like document in the name of the corporation, or any written or oral solicitation in the corporation's behalf, or any collecting or taking of money on account of shares or of loans or advances shall, both as to the corporation and as to the person acting or purporting to act in its behalf, be deemed undertaking the business of a loan corporation within the meaning of this section. 55 V. c. 39, s. 27 (1); s. 2 (4); 58 V. c. 34, s. 2 (1).

No person to act as agent for unregistered loan corporation.

(2) If any promoter, organizer, office-bearer, manager, director, officer, collector, agent, employee, or person whatsoever, undertakes or transacts the business of a loan corporation which does not stand registered under this Act, he shall be guilty of an offence and upon summary conviction thereof before any Police or Stipendiary Magistrate or two Justices of the Peace having jurisdiction where the offence was committed shall be liable to a penalty not exceeding $200 and costs, and not less than $20 and costs; and in default of payment the offender shall be imprisoned with or without hard labor for a term not exceeding three months, and not less than one month; and on a second or any subsequent conviction he shall be imprisoned with hard labor for a term not exceeding twelve months, and not less than three months. 55 V. c. 39, s. 29 (2).

Penalty.

Informant; application of fine.

(3) Any one may be prosecutor or complainant under this Act; and one half of any fine imposed by virtue of this Act shall, when received, belong to Her Majesty, for the use of the Province, and the other half shall belong to the prosecutor or complainant. 55 V. c. 39, s. 27 (3).

Appeal.

(4) Any person convicted under this Act who gives notice of appeal against the decision shall be required before being released from custody to give to the Magistrate or Justices satisfactory security for the amount of the penalty, and the costs of conviction and appeal; and the appeal shall be to a Divisional Court of the High Court. 55 V. c. 39, s. 27 (4); 58 V. c. 34, s. 5 (9).

Burden of proof.

(5) In any trial or cause or proceeding under this Act the burden of proving registry shall be upon the corporation or person charged. 55 V. c. 39, s. 27 (5).

Limitations of prosecutions.

(6) All information or complaints for the prosecution of offences under this Act shall be laid or made in writing within one year after the commission of the offence. 55 V. c. 39, s. 27 (6).

VERIFICATION OF ANNUAL STATEMENTS MADE TO REGISTRAR: SPECIAL AUDIT.

Registrar to have access to corporation books, etc.

118.—(1) The Registrar or any person authorized under his hand and seal shall, with the approval of the Minister, have at any time within reasonable business hours of every

day except Sundays and holidays access to the books, vouchers, securities and documents of any corporation, undertaking or transacting in the Province the business of a loan corporation; and any officer or person in charge, possession, custody or control of such books, vouchers, securities or documents refusing or neglecting to afford such access, shall be guilty of an offence punishable as for an offence against section 117, the procedure and penalty prescribed by which section shall equally apply in the case of an offence against this section; and if registered, the corporation shall be liable to have its registry suspended; and on continued refusal or neglect to afford such access, shall be liable to have its registry cancelled. 55 V. c. 39, s. 45, as amended by 58 V. c. 34, s. 6 (8); Cf. R. S. O. 1887, c. 169, s. 87.

Special audit in case of fraud, illegal acts, or default of audit or financial statement.

(2) If a loan corporation is three months in default in the delivery of the financial statement required by section 99 of this Act; or upon proof that the accounts of a loan corporation have been materially and wilfully falsified, or that for eighteen consecutive months there has been no *bona fide* audit of the books and accounts; or if there is filed with the Registrar a requisition for audit bearing the signature, addresses and occupations of at least twenty-five shareholders of the corporation, holding in the aggregate not less than five hundred shares, and such requisition alleges in a sufficiently particular manner to the satisfaction of the Registrar, specific fraudulent or illegal acts, or repudiation of contracts, or insolvency, the Registrar may nominate a competent accountant, who shall under the directions of the Registrar, make a special audit of the corporation's books, accounts and securities, and report thereupon to the Registrar in writing, verified upon oath. 55 V. c. 39, s. 30 (1); 58 V. c. 34, s. 5 (10). R. S. O. 1887, c. 169, secs. 85, 87; Cf. Imp. Act 57-8 V. c. 47, s. 4.

Credentials of auditor.

(3) For purposes of this Act a special auditor shall be sufficiently accredited, if he deliver to the secretary, or to any managing officer of the corporation a written statement under the hand and seal of the Registrar, to the effect that the Registrar has nominated such auditor to audit the books, accounts and securities of the corporation. 55 V. c. 39, s. 30 (2); 58 V. c. 34, s. 5 (10).

Expenses of special audit.

(4) The expense of such special audit shall be borne by the corporation, and the auditor's account therefor when approved in writing by the Registrar shall be conclusive and shall be payable by the corporation forthwith:

Provided that when an audit is requested as in sub section 2, the persons so requesting it shall, together with their requisition, deposit with the Registrar proper security for the costs of the audit in a sum not exceeding $300 as he shall determine; and when the facts alleged in the requisition appear to the Registrar to have been partly or wholly disproved by the audit, he may pay the costs thereof partly or wholly out of the deposit. 55 V. c. 39, s. 30 (3); 58 V. c. 34, s. 5 (10); R. S. O. 1887, c. 169, s. 90.

(5) Every auditor, director, officer, manager, agent, collector, servant or employee of the corporation, who knowingly makes or publishes, or assists to make or publish any wilfully false statement respecting the corporation's financial affairs, or who makes or assists to make any untrue entry in any book of record, entry or account, or who refuses or neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected or audited either for the general purposes of the corporation, or for the purposes of this Act, and extracts to be taken therefrom, shall be guilty of an offence and upon summary conviction thereof before any Police or Stipendiary Magistrate or two Justices of the Peace where the offence was committed, shall be imprisoned in any gaol of the Province with or without hard labor, or in the Central Prison, for a period not exceeding twelve months. 55 V. c. 39, s. 30 (5); 58 V. c. 34, s. 5 (10); R. S. O. c. 119, s. 45; c. 131, s. 18; R. S. O.1887, c. 167, s. 142. Imp. 38-9 V. c. 60, s. 32 (1). Untrue entries, etc.

(6) When a corporation by its officer, employee, servant or agent having in his custody, possession or power the funds, books, vouchers, securities, or documents of the corporation refuses to have the same duly audited as provided by section and by this section, or obstructs an auditor in the performance of his duties, the Registrar upon proof of the fact may suspend or cancel the registry of such corporation. 55 V. c. 30, (6); 58 V. c. 34, s. 5 (10). R. S. O. 1887, c. 169, s. 87; Imp. 83-9 V. c. 50, s. 32. Where Corporation refuses or obstructs audit.

(7) If the report made by the special auditor appears to the Registrar to disclose fraudulent or illegal acts on the part of the corporation, or a repudiation of its contracts, or insolvency, the Registrar shall notify the corporation accordingly and furnish the corporation with a copy of the special auditor's report allowing two weeks for a statement in reply to be filed by the corporation with the Registrar. 55 V. c. 39, s. 31 (1); 58 V. c. 34, s. 5 (10); Cf. R. S. O. 1887, c. 169, s. 90. Report of special auditor.

(8) Upon consideration of the special auditor's report and of the corporation's statement in reply, and of such further evidence, documentary or oral, as the Registrar may require, the Registrar shall render his decision in writing, and may thereby continue, or suspend, or cancel the registry of the corporation. 55 V. c 39, s. 31 (2); 58 V. c. 34, s. 5 (10); Imp. 57-8 V. c. 47, s. 7 (2). Registrar's decision.

119. The Registrar shall have a seal of office which shall bear upon its face the words "Registrar of Loan Corporations." Official seal.

FEES.

120.—The fees by this section prescribed shall be payable to the Provincial Treasurer of Ontario; and the duplicate of the Treasurer's receipt shall be filed with the proper officer. Fees payable to Provincial Treasurer.

Time of payment.

In the case of an application or other document or instrument to be filed, examined or deposited, the fees shall be paid before the application or other document or instrument is considered; in the case of registry or certificates of registry the fee shall be paid before the corporation is registered.

Fees for incorporation.

1. The fees for incorporation under this Act shall be as shall be prescribed by the Lieutenant-Governor in Council by order made in that behalf.

2. Application for initial registry, s. 107	5.00
3. Extension of time for making application, s. 107..	2.00
4. Filing power of attorney in case of corporations mentioned in s. 108	5.00
5. Filing new power or change of attorney, s. 108 ..	5.00
6. Certificate of initial or renewed Registry, s. 109:—	
(*a*) Where assets of corporation amount to not more than $250,000	25.00
(*b*) Where assets of corporation amount to $500,000 or under	50.00
(*c*) Where assets of corporation amount to $1,000,000 or more than $500,000	100.00
(*d*) Where assets of corporation amount to $2,000,000 or more than $1,000,000	150.00
(*e*) Where assets of corporation amount to $3,000,000 or more than $2,000,000	175.00
(*f*) Where assets of corporation amount to over $3,000,000	200.00

Proviso.

Provided that for the purposes of this article capital stock uncalled shall not be deemed an asset;

Provided also that the fee for a certificate of registry covering a period of not more than six months shall be one-half of the above amounts respectively. 58 V. c. 34, s. 9.

7. Interim certificate of registry, or extension of certificate, s. 109	$ 5.00
8. Revivor of registry after suspension: s. 29.	
For corporation in Article 6 (*a*) of this section..	10.00
For corporation in Article 6 (*b*) of this section..	15.00
For corporation in Article 6 (*c*) of this section..	20.00
For corporation in Article 6 (*d*) of this section..	25.00
For corporation in Article 6 (*e*) of this section..	30.00
9. Change of corporate name, s. 110	10.00
10. Change of Head Office, s. 110	10.00
11. Filing annual statement, s. 99	5.00
12. Filing new by-laws or amendments thereto after initial registry, s. 72	2.00
13. Application for increase or decrease of capital stock	10.00
14. Certificate of increase or decrease of capital stock	25.00
15 Copy of decision of Registrar	1.00
16. Certified copy of entry on register	1.00

17. Copies of, or extracts from documents filed with Registrar, per folio 100 words..... .10
Cf. 55 V. c. 39, s. 62.

121.—(1) Section 4 of chapter 157 of the Revised Statutes of Ontario, 1887, is hereby amended by inserting in the seventh line thereof after the words "except the," the following words, "business of a loan corporation within the meaning of *The Loan Corporations Act*, or for." Also subsection 1 of section 1 of chapter 166 of the Revised Statutes, 1887, respecting Co-operative Associations is amended in the sixth line thereof by inserting after the word "insurance" these words: "or the business of a loan corporation within the meaning of *The Loan Corporations Act*." Also section 2 of an Act passed in the fifty-fourth year of Her Majesty's reign and chaptered 59, is amended by inserting after the word "Province" in the third line thereof the following words, "such society not being a loan corporation within the intent of *The Loan Corporations Act*."

R. S. O. c. 157 s. 4 amended.

54 V. c. 59, s. 2 amended.

(2) The several Acts and parts of Acts specified in schedule B to this Act are hereby repealed.

Acts in schedule repealed.

(3) All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Inconsistent provisions repealed.

Provided that subsections 2 and 3 shall take effect on and from the first day of July, 1897.

Proviso.

Provided also that no repeal enacted by this section shall prejudice or impair any contract or obligation made under any of the enactments so repealed.

Saving clause.

SCHEDULE A.

(Referred to in Section 4.)

Particular matters to be set forth in the by-laws of the body applying for incorporation hereinafter called the applicant:—

Corporate name and head office.

1. The proposed corporate name, and the location of the head office of the corporation.

2. The purposes for which the corporation is to be constituted.

Purposes.

3. The manner in which the corporation is to be constituted; whether as a temporary or as a continuing corporation; whether as a company with permanent capital, or otherwise; and, if as a company with permanent capital what respective amounts of such capital are, before the commencement of business, to be authorized, subscribed, and paid up; the number of shares and amount of each share of such capital; with the proviso that the said subscribed permanent capital shall be not less than $300,000, with ten per cent. of the subscription paid up; and that a certified copy of the stock subscription book shall be filed with the Registrar, together with the application and by-laws; and with the further proviso that the shares of the said stock or any of the permanent stock of the applicant shall not be issued at a discount, nor upon any terms, agreement or understanding that the taker or holder shall be liable for any less amount than the par value of the shares, less the calls fully paid thereon.

Whether constituted as a company with permanent capital or otherwise.

Particulars of stock.

No permanent stock to be issued at a discount.

By-laws respecting terminating shares

4. If the plans of the applicant include the issue of terminating stock or shares, then the by-laws shall set forth full and explicit particulars of the terms upon which such stock or shares are to be issued, and will mature, and upon which they become withdrawable by the holder, or redeemable by the corporation. If the plans of the corporation include the issue of permanent shares or stock, either concurrently with, or in substitution for, terminating shares or stock, or include the conversion of terminating into permanent shares or stock, the by-laws shall include full and explicit provisions respecting these matters. Cf. Imp. Act 57-8 V. c. 47, s. 1.

By-laws respecting permanent shares or stock.

Loan and securities; repayment

5. The by-laws shall include full and explicit provisions respecting the plan or plans on which the corporation is to make loans or advances, the kind of security (principal and collateral) to be taken for the repayment, the rate or rates of interest to be charged; the mode in which such loans or advances are to be repaid to the corporation, and, if by a sinking fund or instalments of blended principal and interest, the by-laws shall include a table resolving each such instalment, or each such payment on account of sinking fund respectively into its components of principal and interest.

Period of grace; default, reinstatement, fines, forfeitures, etc.

6. The by-laws of the applicant shall further set forth clearly what period of grace, if any, is to be allowed for the payment of money due, principal or interest; upon what terms or conditions a borrower or member, or shareholder in default is to be reinstated; what fines or forfeitures, if any, are to be imposed for any and for what default or breach of contract; whether in cases where fine or forfeiture is imposed, the corporation claims to exercise any other or further remedy against the defaulte; also whether prior to the exercise of any remedy against a defaulter the corporation is to give him any and what notice. If the provisional corporation by its by-laws takes power to impose fines for defaults, then its by-laws shall further provide that fines upon fines, or compound fines shall not be payable; and shall further provide that the fines at any time payable in respect of any default shall not exceed altogether ten per cent. of the instalment or the sum (not including fines) then in default.

Losses, how ascertained and provided for.

7. If the applicant proposes to issue terminating shares, the by-laws shall further set forth the manner in which losses are to be ascertained and provided for. Imp. 57-8 V. c. 47, s. 1 (g).

Expense fund.

8. If the applicant proposes to issue terminating shares, the by-laws shall further set forth the manner in which the expense or management fund of the corporation is to be provided.

Borrowing powers.

9. The by-laws of every applicant for incorporation shall define and regulate the exercise of such general powers of borrowing as are by this Act conferred upon loan corporations, and shall declare within what limits such borrowing powers are to be exercised, and whether by issuing prepaid or fully paid terminating stock, or by issuing debentures or debenture stock, or otherwise. If prepaid terminating stock is to be issued, then the by-laws shall set out the terms upon which such stock is to be issued and withdrawn or redeemed and shall include tables showing separately the estimated amount to become due by the corporation for principal and for interest.

By-laws for general meetings, etc.

10. In furtherance of and subject to the provisions contained in this Act, the by-laws shall provide for the holding of general meetings, ordinary and special, of the shareholders; shall prescribe the time and place of the ordinary general meetings, of which one at least shall be held in each year; shall prescribe the notice to be given of ordinary general meetings, and the notice to be given of special general meetings; shall provide for the election of directors, prescribe their number, their powers, duties, and tenure of office; shall prescribe the securities, and the minimum amount thereof to be taken for the fidelity of the person or persons having custody or control of the funds of the corporation; shall provide for the proper audit at least yearly, of its books and accounts by two or more competent accountants who shall not be otherwise employed by the corporation, or be officers thereof; and shall prescribe the delivery to

Directors, officers, and servants.

Audits.

each shareholder at least once in each year, of a financial statement verified by the auditors, showing fully and truly the income and expenditure (including the expenses of management) of the corporation for the period audited, and the liabilities and assets of the corporation as at the date of the statement. Statements to shareholders.

11. The by-laws shall, subject to the provisions of this Act, provide for the amendment of the by-laws by the shareholders in general meeting, after at least thirty days' notice in writing of the particular amendment or amendments proposed has been given to each shareholder and to the Registrar. Amendment of by-laws.

12. The by-laws of every applicant company taking power to issue terminating shares shall provide that to every person taking such shares there shall be delivered without charge a copy of the by-laws then in force; and on the tender of twenty-five cents, a copy of the by-laws for the time being in force shall be delivered to any person on demand. 55 V. c. 39, s. 32; Imp. 37-8 V. c. 42, s. 17; Imp. 38-9 V. c. 60, s. 13 (5); Imp 39-40 V. c. 45, s. 9 (5); R. S. O. c. 131, s. 15. Taker of terminating shares entitled to copy of by-laws. Copies to be on sale.

SCHEDULE B.

(*Referred to in Section 121.*)

Acts and parts of Acts repealed.

Year and Chapter.	Title or Short Title.	Extent of Repeal.
1887, R. S. O. chap. 169..	An Act respecting Building Societies.	The whole.
1889, 52 Vic. chap. 34....	An Act to amend the Revised Statute respecting Building Societies.	The whole.
1890, 53 Vic. chap. 12....	An Act respecting certain Statistical Returns.	Sections 4, 5, 6.
1891, 54 Vic. chap. 38....	An Act respecting Loan Companies.	The whole.
1892 55 Vic. chap. 40....	An Act to amend the Act respecting Building Societies.	The whole.
1893, 56 Vic. chap. 30....	An Act for the relief of Loan Companies incorporated out of Ontario.	The whole.
1893, 56 Vic. chap. 31....	An Act respecting Building Societies.	The whole.
1894, 57 Vic. chap. 47	An Act respecting Companies licensed under the Revised Statute authorizing Corporations and Institutions incorporated out of Ontario to lend and invest moneys therein.	The whole.
1896, 59 Vic. chap. 46....	An Act respecting Building Societies.	The whole

No. 94.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to consolidate and amend the law respecting Building Societies and other Loan Corporations.

First Reading, 1st March, 1897.
Second Reading, 11th March, 1897.

(Re-printed as amended in Committee of Whole House).

Mr. GIBSON,
(Hamilton.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 95.] BILL. [1897.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Paragraph 23 of section 7 of *The Consolidated Assessment Act, 1892*, is amended by striking out the figures "$700" where they occur in the 2nd line of the said paragraph, and inserting in lieu thereof the figures "$1,000." 55 V. c. 48, s. 7, par. 23*a*, amended.

2. Paragraph 24*a* of the said section is amended by striking out the figures "$700" where they occur in the second line of the said section, and inserting in lieu thereof the figures "$1,000." 55 V. c. 48, s. 7, par. 24*a*, amended.

No. 95.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Assessment Act.

First Reading, 1st March, 1897.

Mr. MacNish.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 96.] **BILL.** [1897.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 42, s. 73, subs. 1, amended.

Qualification of members of municipal councils.

1. Subsection 1 of section 73 of *The Consolidated Municipal Act, 1892*, is amended by striking out the words "over and above all charges, liens and encumbrances affecting the same" where they occur in the 11th and 12th lines of the said subsection; and by striking out all the words after the word "leasehold" in the 26th line of the said subsection.

No. 96.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Municipal Act.

First Reading, 1st March, 1897.

Mr. MacNish.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 97.] **BILL.** [1897.

An Act to amend The Election Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :—

Certain public officers not to take part in election contests.

1. No sheriff, county crown attorney, clerk of the peace, registrar of deeds, clerk of a surrogate court, clerk of a division court, bailiff of a division court, license inspector, registrar, clerk or other officer attached to the Superior Courts, no permanent official employed in any of the departments of the Government of Ontario, or any prison, hospital, asylum, or institution of the Government of Ontario, shall actively engage in any contested election to the Legislative Assembly, by canvassing, speaking at public meetings, or acting as agent or otherwise on behalf of any candidate at such election, or by collecting funds for the conduct of such election or in any other manner.

Penalty.

2. Any person violating the provisions of this Act shall be liable to a penalty not exceeding $200 for each offence, such penalty to be recoverable in any court of competent juridiction by any person who may sue therefor, and shall in addition, at the discretion of the judge presiding at the trial of such action, be liable to forfeiture of his office.

No. 97.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Election Act

First Reading, 2nd March, 1897.

Mr. GAMEY

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 98.] BILL. [1897.

An Act to amend the Act respecting Cheese and Butter Manufacturing Associations.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

58 V. c. 40, s. 3 repealed.

1. Section 3 of the Act passed in the 58th year of Her Majesty's reign, chaptered 40, is repealed and the following substituted therefor:

Approval of mortgage by shareholders.

3. No such mortgage shall be given or shall be binding upon the association until the same has been approved by a by-law passed by the vote of two-thirds in value of those of the shareholders in the association present at a special meeting of the association duly called for that purpose.

No. 98.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend the Act respecting Cheese and Butter Manufacturing Associations.

First Reading, 2nd March, 1897.

Mr. TAYLOR.

TORONTO.
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 99.] **BILL.** [1897.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Municipalities in Haliburton authorized to aid in establishing grist mills.

1. Subject as hereinafter provided it shall be lawful for the council of any township or incorporated village in the Provisional County of Haliburton to pass a by-law or by-laws for granting aid by way of loan or bonus to secure the establishment of a grist mill in such township or village, or to take stock in any such enterprise to an amount not exceeding, under the powers hereby conferred, an aggregate of $5,000, to issue debentures and do all other acts in connection therewith as if the power to grant bonuses were still vested in municipalities.

By-law to be passed by council and assented to by electors.

2. No such aid by way of loan, bonus or subscribed stock or any of them shall be given until after the passing of a by-law by the municipal council for the purpose and the adoption of such by-law by the qualified electors as provided by *The Consolidated Municipal Act, 1892*, in the case of by-laws for the creation of debts, and except as herein otherwise provided, all the provisions of the said Act relating to the creation of debts and the assent of the qualified ratepayers shall apply.

By-laws to require assent of two-thirds of qualified ratepayers.

3.—(1) Notwithstanding anything in the preceding section contained, the vote of two-thirds in the affirmative of the ratepayers who are entitled to vote upon any by-law granting aid to, or for promoting the establishment of a grist mill or for lending money thereto shall be necessary in order to the carrying of the by-law.

Bonus not to be granted where mill already established.

(2) No bonus or other aid shall be granted to any person under this Act in any case where a grist mill has heretofore been established in the municipality and is in operation at the time of the passing of this Act.

Not more than one bonus to be granted.

(3) No bonus or other aid shall be granted under the powers conferred by this Act towards the establishment of more than one grist mill in any municipality.

Clerk to certify as to majority.

4. In addition to the certificate required by section 318 of *The Consolidated Municipal Act, 1892*, the clerk, in case of a majority of votes being in favor of the by-law, shall further certify whether or not, as shown by the voters' list such majority appears to be two-thirds of all the voters who are entitled to vote on the by-law.

Deciding disputes as to result of votes.

5. In case of a dispute as to the result of the vote on any by-law submitted under this Act, the Judge of the County Court of the County of Victoria shall have the same powers for determining the question as he has in any case of a scrutiny of votes.

Proceedings for scrutiny.

6. The petition to the judge may be by an elector or by the council; and the proceedings for obtaining the judge's decision shall be the same as nearly as may be as in the case of a scrutiny.

Application of certain provisions of 55 V. c. 42.

7. Sections 209 to 222, 293 to 319, and sections 321 to 328, inclusive, of *The Consolidated Municipal Act, 1892*, and their subsections, shall be taken and considered as part of this Act.

Certain general provisions to apply.

8. Except as herein otherwise provided all the claims of *The Consolidated Municipal Act, 1892*, relating to the creation of debts, the issue of debentures and the time and manner of repayment of the same, shall apply and be read as part of this Act.

No. 99.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Municipal Act.

First Reading, 2nd March, 1897.

Mr. CARNEGIE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 100.] **BILL.** [1897.

Act to amend The Ontario Game Protection Act, 1893.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

56 V. c. 49, s. 4, sub s. 3, amended.

1. Subsection 4 of section 3 of *The Ontario Game Protection Act, 1893*, is hereby amended by adding to the said subsection the words "or that species of Duck commonly known as Whistlers, Sawbills, Shelldrakes and Coweens."

No. 100.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

Act to amend The Ontario Game Protection Act, 1893.

First Reading, 3rd March, 1897.

Mr. GERMAN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 101.] **BILL.** [1897.

An Act to amend The Division Courts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 77 of *The Division Courts Act* is hereby amended by striking out all the words after the word "account" in the fourth line thereof. Rev. Stat. c. 51, s. 77 amended.

No. 101.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Division Courts Act.

First Reading, 3rd March, 1897.

Mr. GERMAN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 102.] **BILL.** [1897.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 7 of *The Consolidated Assessment Act, 1892*, is amended by inserting after sub-section 10 thereof, the following: 55 V. c. 48, s. 7 amended.

10*a*. The lands and buildings of every Young Men's Christian Association, so long as the same are occupied by and used for the purposes of the said Association, where the council of the municipality in which such lands and buildings are situated consents to such exemption. Exemption of Y. M. C. A. buildings from taxation.

No. 102.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Assessment Act.

First Reading, 4th March, 1897.

Mr. O'KEEFE.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 103.] **BILL.** [1897.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

55 V. c. 42, s. 490 amended

1. *The Consolidated Municipal Act, 1892*, is hereby amended by adding to section 490 thereof the following subsection :

Pasturing animals on highways.

(2*a*) For permitting, regulating and licensing the pasturing of animals upon the highway and for fixing the rates of such licenses ; but the granting of such licenses or the receiving of consideration therefor shall not involve the municipality in any new or increased liability in respect of the highway.

No. 103.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Municipal Act.

First Reading, 4th March, 1897.

Mr. MOORE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 104.] BILL. [1897.

An Act respecting Cemetery Companies.

HER MAJESTY by and with the advice and consent of Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 2 of section 1 of the *Act respecting Cemetery Companies* is hereby amended by inserting after the word "village" where the same occurs in said subsection the words, "or town." Rev. Stat. c. 175, s. 1, subs. 2 amended.

2. Subsection 2 of section 1 of the *Act respecting the Incorporation of Cemetery Companies by Letters Patent* is hereby amended by inserting after the word "village" where the same occurs in said subsection the words "or town." Rev. Stat. c. 176, s. 1, subs. 2 amended.

No. 104.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting Cemetery Companies.

First Reading, 4th March, 1897.

Mr. GERMAN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 105] **BILL.** [1897.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 42, s. 535 amended.

1. Section 535 of *The Consolidated Municipal Act, 1892*, is hereby amended by adding thereto the following subsection:

Counties to construct, maintain and repair certain bridges

(5) An iron bridge on stone piers and abutments crossing a navigable river which forms the boundary between two counties, and which bridge is of the length of not less than three hundred feet and provided with a swing, and has been erected by contributions from Municipal, Dominion and Provincial sources, shall be deemed a bridge over a river forming a boundary line between two counties within the meaning of this section.

No. 105.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Municipal Act.

First Reading, 4th March, 1897.

Mr. STRATTON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 106.] **BILL.** [1897.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c 48, s. 52, amended.

1. Section 52 of *The Consolidated Assessment Act, 1892*, is hereby amended by adding thereto the following subsection:

Council passing by-law for taking assessment between 1st July and 1st October, may act for that year on assessment already made.

(4) In case the council deem it advisable to adopt the provisions of this section in any year for which there has been an assessment made under the previous sections of this Act, the council instead of making a second assessment in the same year may pass a by-law adopting the assessment roll previously made and revised in such year, and such assessment roll shall be subject to revision in the manner provided by subsection 1 of this section, and shall have the same effect as an assessment made under said subsection 1.

No. 106.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Assessment Act.

First Reading, 4th March, 1897.

Mr. STRATTON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 107.] **BILL.** [1897.

An Act to make further provisions for the Protection of Game.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

59 V. c. 68, s. 1, repealed.

1. Section 1 of the Act passed in the 59th year of Her Majesty's reign, chaptered 68, is repealed.

Hunting and killing deer in water.

59 V. c. 68, s. 2, subs. 3 amended.

2. Subsection 3 of section 2 of the said Act is hereby amended by striking out the word "two" in the first line thereof and substituting therefor the word "one."

One shipping coupon.

56 V. c. 49, s. 1, subs. 3 amended.

3. Subsection 3 of section 1 of *The Ontario Game Protection Act, 1893*, is hereby amended by striking out the word "two" in the second line thereof and substituting therefor the word "one."

No person to kill more than one deer in a season.

56 V. c. 49, s. 4, amended.

4. The following provision is hereby added to *The Ontario Game Protection Act, 1893*, and declared to be a part thereof, as subsection 6 of section 4 thereof:

No venison to be sold, bartered or exchanged before 1st January, 1899.

No person shall by himself, his servant, clerk or agent expose or keep for sale or directly or indirectly, upon any pretence or device, sell or barter or in consideration of the purchase of any other property give to any other person any venison, no matter where killed or procured, before the first day of January, 1899.

No. 107.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to make further provisions for the Protection of Game.

First Reading, 4th March, 1897.

Mr. BIGGAR.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 108.] BILL. [1897.

An Act for the removal from Crown Lands of Persons unlawfully thereon.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Application to the county or district judge or stipendiary magistrate for summons to vacate crown lands.

1. When any person is wrongfully or without lawful authority in possession of any public land and refuses to vacate or abandon possession of the same, the Commissioner of Crown Lands or any officer or agent of the Department of Crown Lands authorized by the Commissioner for that purpose, may, upon affidavit of the facts, apply to the county judge of the county or the district judge, or any stipendiary magistrate of the district in which the land lies, for a summons directed to such person calling upon him forthwith to vacate or abandon possession of the said land, or within ten days after service of said summons to show cause why an order for his removal should not be made, and if upon the return of the summons it shall appear that he has not vacated or abandoned possession, or he shall not show good cause to the contrary, the judge or stipendiary magistrate shall make an order for the summary removal of such person from such land, and such order shall be executed by the sheriff, or any bailiff, or constable, or other person to whom it shall be delivered.

Issue of warrant.

Service of summons

2. It shall be sufficient service of the summons if a copy thereof be left with any grown person found on the land and another copy be put up in some conspicuous place thereon, and where no grown up person is found on the land, if a copy be put up in each of two such conspicuous places.

Execution of warrant.

3. The officer to whom any warrant is addressed under the provisions of this Act shall forthwith remove the person named therein from Crown Lands, and in the execution of the warrant shall have all the powers, rights, immunities and privileges enjoyed by a sheriff or constable or other peace officer in the execution of his duty.

Penalty for remaining on or returning to crown lands after order.

4. Any person remaining upon Crown Lands after having been ordered to leave the same, or returning thereto after having left in obedience to a summons or after having been removed under warrant as aforesaid, shall, upon summary conviction thereof before a stipendiary or police magistrate or before any two or more justices of the peace, be liable to a fine of not less than $20 or more than $100 and costs, and in default of payment of such fine and costs, to imprisonment for a term not exceeding three calendar months, but in case such person so convicted shall pay such fine and costs and continue in possession of such Crown Lands, he shall upon summary conviction thereof as aforesaid be liable to a further fine of not less than $20 or more than $100 and costs, and in default of payment of such further fine and costs, to imprisonment for a term not exceeding six calendar months, and he shall be similarly dealt with so long as he shall continue in possession after payment of any fine as aforesaid.

Resisting or obstructing officer in execution of duty.

5. Any person resisting, obstructing or interfering with an officer executing a warrant or serving a summons issued under this Act shall be liable to the same penalties as a person resisting, interfering with or obstructing a sheriff or constable or other peace officer in the execution of his duty.

Officer may call for assistance.

6. The officer executing a warrant or serving a summons issued under this Act may take with him all necessary assistance, and shall have the right to demand such assistance in the same manner as a constable or other peace officer in the execution of his duty may lawfully do.

Issue of warrant by commissioner.

7. In case it shall appear to the Commissioner of Crown Lands that the presence of any person on any Crown Lands is dangerous to the safety of any body of pine timber or other public property on such Crown Lands or in its vicinity, and it is expedient and important in the public interest to remove such person forthwith, he may by warrant under his hand and seal authorize any provincial constable, forest ranger, Crown Lands agent, or other officer, to remove such person from such Crown Lands.

Application of Act.

8. This Act shall apply only to public lands in the unorganized portions of the Districts of Algoma, Thunder Bay, Rainy River, and that part of the District of Nipissing lying north of the waters of the Mattawa River, the township of Ferris, Lake Nipissing, and the waters of the French River.

No. 108.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act for the removal from Crown Lands of Persons unlawfully thereon.

First Reading, 4th March, 1897.

Mr. Gibson,
(Hamilton.)

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 108.] BILL. [1897.

An Act for the removal from Crown Lands of Persons unlawfully thereon.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Application to the county or district judge or stipendiary magistrate for summons to vacate crown lands.

1. When any person is wrongfully or without lawful authority in possession of any public land and refuses to vacate or abandon possession of the same, the Commissioner of Crown Lands or any officer or agent of the Department of Crown Lands authorized by the Commissioner for that purpose, may, upon affidavit of the facts, apply to the county judge of the county or the district judge, or any stipendiary magistrate of the district in which the land lies, for a summons directed to such person calling upon him forthwith to vacate or abandon possession of the said land, or within ten days after service of said summons to show cause why an order for his removal should not be made, and if upon the return of the summons it shall appear that he has not vacated or abandoned possession, or he shall not show good cause to the contrary, the judge or stipendiary magistrate shall make an order for the summary removal of such person from such land, and such order shall be executed by the sheriff, or any bailiff, or constable, or other person to whom it shall be delivered.

Issue of warrant.

Service of summons

2. It shall be sufficient service of the summons if a copy thereof be left with any grown up person found on the land and another copy be put up in some conspicuous place thereon, and where no grown up person is found on the land, if a copy be put up in each of two such conspicuous places.

Execution of warrant.

3. The officer to whom any warrant is addressed under the provisions of this Act shall forthwith remove the person named therein from Crown Lands, and in the execution of the warrant shall have all the powers, rights, immunities and privileges enjoyed by a sheriff or constable or other peace officer in the execution of his duty.

Penalty for remaining on or returning to crown lands after order.

4. Any person remaining upon Crown Lands after having been ordered to leave the same, or returning thereto after having left in obedience to a summons or after having been removed under warrant as aforesaid, shall, upon summary conviction thereof before a stipendiary or police magistrate or before any two or more justices of the peace, be liable to a fine of not less than $20 or more than $100 and costs, and in default of payment of such fine and costs, to imprisonment for a term not exceeding three calendar months, but in case such person so convicted shall pay such fine and costs and continue in possession of such Crown Lands, he shall upon summary conviction thereof as aforesaid be liable to a further fine of not less than $20 or more than $100 and costs, and in default of payment of such further fine and costs, to imprisonment for a term not exceeding six calendar months, and he shall be similarly dealt with so long as he shall continue in possession after payment of any fine as aforesaid.

Resisting or obstructing officer in execution of duty

5. Any person resisting, obstructing or interfering with an officer executing a warrant or serving a summons issued under this Act shall be liable to a fine of not less than $20 nor more than $100 and costs, and in default of payment of such fine and costs to imprisonment for a term not exceeding three calendar months.

Officer may call for assistance.

6. The officer executing a warrant or serving a summons issued under this Act may take with him all necessary assistance, and shall have the right to demand such assistance in the same manner as a constable or other peace officer in the execution of his duty may lawfully do.

Issue of warrant by commissioner.

7. In case it shall appear to the Commissioner of Crown Lands that the presence of any person on any Crown Lands is dangerous to the safety of any body of pine timber or other public property on such Crown Lands or in its vicinity, and it is expedient and important in the public interest to remove such person forthwith, he may by warrant under his hand and seal authorize any provincial constable, forest ranger, Crown Lands agent, or other officer, to remove such person from such Crown Lands.

Application of Act.

8. This Act shall apply only to public lands in the unorganized portions of the Districts of Algoma, Thunder Bay, Rainy River, and that part of the District of Nipissing lying north of the waters of the Mattawa River, the township of Ferris, Lake Nipissing, and the waters of the French River but shall not apply to Manitoulin Island.

No. 108.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act for the removal from Crown Lands of Persons unlawfully thereon.

First Reading, 4th March, 1897.
Second Reading, 11th March, 1897.

(Re-printed as amended in Committee of of the Whole House.)

Mr. GIBSON,
(Hamilton.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 109.] BILL. [1897.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Consolidated Municipal Act, 1892*, is amended by adding thereto the following sections: 55 V. c. 42, amended.

City, town or village may acquire water power and lands adjacent.

496*a*. It shall be lawful for the corporation of any city, town or village to acquire by lease or purchase any water privilege or water privileges situate within its limits, together with sufficient lands adjacent thereto, for the proper user of such water privilege or water privileges, and from time to time to expend thereon such sums of money as may be necessary for the development, repairs and user of such water privilege or water privileges; and for the purpose of such acquisition, development, repairs and user to borrow upon the debentures of the corporation such sums as shall be required for the same for such periods and at such rates of interest as the corporation shall by by-law determine.

By-law to be submitted to ratepayers.

496*b*. Before acquiring any such water privilege or water privileges and lands, a by-law shall be submitted to the ratepayers of the municipality setting forth the agreement for such acquisition which shall have been previously entered into, subject to ratification by the ratepayers, the amount required to be borrowed for the purpose of such acquisition and containing generally all such matters as are required by the provisions of this Act in relation to money by-laws.

Proceedings for taking vote.

496*c*. The vote of the ratepayers upon such by-law shall be taken in manner provided by sections 293 to 319, both inclusive, of this Act, and the persons entitled to vote thereon shall be the persons named in the said sections, and in case a majority of such persons shall vote in favour of said by-law the council shall pass the same.

Power to use water privileges and lease same.

496*d*. Upon the acquisition of such water privilege or water privileges it shall be lawful for the corporation to use the same for its own purposes, and to grant leases of the whole or any parts thereof upon such terms and conditions as may be agreed upon and to otherwise deal with the same as fully and effectually to all intents and purposes as might be done by an individual, but no sale of any part of the said water privileges or lands so acquired shall be made until a by-law authorizing the same has been submitted to the ratepayers and passed by a vote of the same class of persons as voted upon the by-law authorizing the acquisition of said water privileges and lands, and no lease shall be granted for a longer period than thirty years with right of renewal and renewals.

No. 102.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Municipal Act.

First Reading, 4th March, 1897.

Mr. STRATTON.

TORONTO:
PRINTED BY L. K CAMERON.
Printer to the Queen's Most Excellent Majesty,

No. 110.] BILL. [1897.

An Act respecting the attachment of Moneys in the hands of the Crown.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Attachment of moneys in the hands of the Crown.

1. Money payable by the Crown as represented by the Province of Ontario to any person, and money which is accruing due or which is about to become payable by the Crown as aforesaid, or by any of the Departments of the Public Service of Ontario, or by any person acting for and on behalf of Her Majesty the Queen in the Government of the Province of Ontario, whether the same is payable or about to become payable for wages or salary of any person employed in the public service or under contract or agreement with the Crown or with any Public Department as aforesaid, or otherwise, shall be subject to attachment for debt due by the person who would otherwise receive the same, in the same manner and to the same extent as money in the hands of, or payable by, or about to become payable by any person in the Province of Ontario, anything in any law, usuage or custom to the contrary, notwithstanding.

Service of garnishee order.

2. The delivery to the Treasurer of the Province or to any officer employed in his Department, of a copy of the garnishee summons or order or writ of attachment or other process issued out of any Court in the Province of Ontario, shall be a sufficient service of such garnishee summons or order or writ of attachment or other process.

No. 110.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the attachment of Moneys in the hands of the Crown.

First Reading, 5th March, 1897.

Mr. MACDONALD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Maj-sty

No. 111.] BILL. [1897.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 42, s. 497, subs. 2, amended.

1. Subsection 2 of section 497 of *The Consolidated Municipal Act, 1892*, is amended by striking out the words "butter, eggs or poultry" in the second line thereof, and inserting in their stead, the words "articles (hay, straw, wood or cedar posts excepted) or vehicles containing the same." Also that the word "reasonable" be inserted previous to the word "shelter" in the fifth line thereof.

55 V. c. 42, s. 498, subs. 5 amended.

2. Subsection 5 of section 498 of the said Act is amended by striking out all the words after "vehicle" in the third and fourth lines thereof, and inserting in their stead the words "than is provided for in subsection 7 of section 497 of this Act."

55 V. c. 42, s. 503, subs. 10 repealed.

3. Subsection 10 of section 503 of the said Act is repealed.

Where municipality has sold or leased market fees.

4. In any municipality which has under section 502 of the said Act leased, assigned or sold its market fees, the preceding amendment shall come into force and operation only on the termination of the period for which such fees have been leased, assigned or sold. In other municipalities the said amendments shall come into force and operation forthwith.

No. 111.

3rd Session, 8th Legislature, 60 Vict, 1897.

BILL.

An Act to amend The Municipal Act.

First Reading, 5th March, 1897.

Mr. FLATT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 112.] BILL. [1897.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

55 V. c. 42, s. 113, subs. 1, amended.

Fixing day by by-law for nomination of candidates.

1. Subsection 1 of section 113 of *The Consolidated Municipal Act, 1892*, is amended by adding after the word "December" the words "and in municipalities where the facilities of communication are poor, the County Council may by by-law as aforesaid appoint a certain day in the said month for the nomination of such candidates."

No. 112.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Municipal Act.

First Reading, 5th March, 1897.

Mr. Reid,
(Addington.)

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 113.] **BILL.** [1897.

An Act for the Prevention of Accidents through Elevators.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws for licensing and inspecting hoists, elevators, etc.

1. The council of any municipality shall have power to pass by-laws providing for licensing and inspecting elevators and hoists used by the public or by employees for passengers or freight, and to impose and enforce penalties for enfringement of such by-laws, and to prohibit and prevent the use of elevators or hoists contrary to the provisions of such by-law.

Act incorporated with 55 V. c. 42.

2. This Act shall be read with and as part of *The Municipal Act*.

No. 113.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act for the Prevention of Accidents through Elevators.

First Reading, 8th March, 1897.

Mr. HOWLAND.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 114.] **BILL.** [1897.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Roads and bridges over which county to have jurisdiction.

1. The county council shall have exclusive jurisdiction over all roads and bridges lying within any township, town or village in the county, and which the county council assumes with the assent of such township, town or village municipality as a county road or bridge, until the by-law has been repealed by the county council; and over every bridge crossing a stream, pond or lake at any point where the same forms the boundary line between two townships in the county; and over every bridge crossing a stream or river over 100 feet in width, within the limits of any incorporated village in the county, and connecting any main highway leading through the county, and over every bridge crossing a river, pond or lake at every point where the same forms or crosses a boundary line between municipalities: Provided that nothing herein contained shall render a county liable for the erection, maintenance or repair of a bridge situate within the limits of a town, but every such bridge shall be erected, maintained and repaired by the town until assumed by the county as hereinbefore provided.

Proviso.

Bridges in villages afterwards erected into towns.

2. After an incorporated village has been erected into a town, all bridges connecting any highway in such town shall be under the jurisdiction of the town and shall be erected, maintained and kept in repair by the town until such bridge is assumed by the county as hereinbefore provided.

Saving as to existing agreements.

3. Nothing in this section contained shall affect any agreement heretofore entered into whereby a county has undertaken to erect, maintain and keep in repair any bridge within a village which has been subsequently erected into a town.

55 V. c. 42, s. 532, repealed

4. Section 532 of *The Consolidated Municipal Act, 1892*, is repealed.

No. 114.

3rd Session, 8th Legislature, 60 Vic., 1897.

BILL.

An Act to amend The Municipal Act.

First Reading, 8th March, 1897.

Mr. AULD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 115] **BILL.** [1897.

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 25 of *The Consolidated Municipal Act, 1896*, is amended by inserting therein the following as paragraph 3*a*:— 55 V. c. 42, s. 25, amended.

3*a*. In adjusting their award the arbitrators shall fix and determine the amount of the insurable interest of the town in the court house, gaol or house of correction, and registry office, respectively, for the county, and shall determine the proportion based upon such insurable interest in which the town shall contribute to the erection, enlarging or improvement of such building undertaken during the currency of the award. Arbitrators on separation of town from county to determine interest of town in court house, etc.

2. *The Consolidated Municipal Act, 1892*, is amended by inserting therein the following as section 471*a*: 55 V. c. 42, amended.

471*a*.—(1) Where under an agreement or award heretofore made upon the separation of a town from a county for municipal purposes, or under any award made or agreement entered into thereafter between the city or town and the county, the corporation of such county has paid to the corporation of such separated town or city compensation for the amount contributed by such separated town or city prior to its separation from the county for municipal purposes, towards the erection, enlargement or improvement of the court house, gaol or house of correction, or registry office, or any of them, and in case such town or city has not erected a separate court house, gaol or house of correction, or registry office, the corporation of such city or town shall pay to the county annually an amount equal to five per centum of the amount so paid to the city or town, and the amount so to be paid by the city or town shall be in addition to the amount to be contributed by the city or town under section 469 of this Act. When county has paid amount of town's interest in county buildings.

(2) Nothing in this section contained shall affect any agreement or award at present in force, but this section shall apply in case of any agreement or award hereafter made between any such county and city or separated town, and to every award which, at the time of the passing of this Act is the subject of appeal or proceedings to set the same aside, but shall not affect the question of the costs of such appeal or other proceedings.

55 V. c. 42, amended.

3. *The Consolidated Municipal Act, 1892*, is amended by inserting the following as section 471*b* :—

Where town or city has not heretofore contributed to court house, etc.

471*b*. Until a city or town separated from the county erects and maintains a separate court house, gaol or house of correction or registry office, and in case such city or town has not heretofore paid to the county its just proportion of the cost of erecting, rebuilding, enlarging or improving the court house, gaol or house of correction, or registry office, for the county, such city or town, in addition to the amount payable under section 469 of this Act, shall annually pay to the county a sum equivalent to five per centum upon the share of such cost which would have been borne by the city or town had such city or town been at the time of such erection, rebuilding, enlargement or improvement, a part of the county for municipal purposes, and in default of agreement as to such amount, the same shall be determined by arbitration under the provisions of this Act ; provided, that this section shall not apply in any case coming under section 472 of this Act unless the provisions of the said section have been complied with, or unless the city or town has heretofore paid to the county an annual sum as its share of the cost of providing a court house, gaol or house of correction, or registry office, or of rebuilding, enlarging or improving the same, or unless the erection, rebuilding, enlarging or improvement has been undertaken by the county in obedience to an order of the High Court or of the Inspector of Prisons and Public Charities.

Proviso.

55 V. c. 42, s. 472, repealed.

4. Section 472 of *The Consolidated Municipal Act, 1892*, is repealed, and the following substituted therefor :—

City or town to be liable for costs hereafter incurred.

472.—(1) Every city or town separated from the county for municipal purposes, and which has not a separate court house, gaol or house of correction, or registry office, shall bear a just proportion of the cost hereafter incurred by the county in erecting, rebuilding, enlarging or improving the county court house, gaol or house of correction or registry office, or acquiring a site therefor.

City to be served with county by-law, plans and estimates.

(2) No city shall be liable under this section to contribute to such cost unless before the commencement of the work, a copy of the by-law of the county and of the plans, specifications and estimates and a surveyor's description of the site selected (in case it is proposed to acquire a new site) have been delivered to the clerk of the city to be laid before the council.

(3) The council of such city shall at its next regular meeting thereafter, declare by resolution whether it adopts such plans, specifications and estimates, and the site (if any) selected, or refuses to adopt the same, and in case of refusal, shall state the grounds upon which such refusal is based.

City council to adopt or oppose plans, etc.

(4) In case of such refusal the plans, specifications and estimates, with the objections thereto made by the city, shall be referred to arbitration under the provisions of this Act, and the arbitrators may, by their award, adopt such plans, specifications and estimates and approve the site selected, or direct such changes to be made therein as may seem to them just and expedient, or may direct new plans, specifications and estimates to be prepared in accordance with the directions of the award or a new site to be selected: and the award so made shall be binding upon the county and the city, subject to appeal as in other cases.

Arbitration in case of disagreement.

(5) In case the council of the city neglects to take action as provided in the next preceding subsection, the city shall be bound by the by-law of the county and shall be liable to contribute the amount named as its share in the by-law towards the erection, rebuilding, enlargement or improvement and acquiring a site.

City to be bound if no action taken by it.

(6) This section shall not affect the right of a city or separated town and county to agree upon the erection, rebuilding, enlargement or improvement of county buildings, or acquiring a site therefor, and shall not affect any agreement or award heretofore made, unless an appeal from such award is pending at the time of the passing hereof, and in that case, shall not affect the disposal of the costs of the appeal.

Saving as to agreements and awards heretofore made.

No. 115.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Municipal Act.

First Reading, 9th March, 1897.

Mr. AULD.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 116,] BILL. [1897.

An Act to abolish Judgment Summons Procedure in Division Courts.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sections 235 to 248, inclusive of *The Division Courts Act* are repealed. Rev. Stat. c. 51, ss. 235. 248 repealed.

2. Section 3 of the Act passed in the 51st year of Her Majesty's reign, chaptered 10, is repealed. 51 V. c. 10, s. 3, repealed.

3. Section 4 of the Act passed in the 55th year of Her Majesty's reign, chaptered 11, is repealed. 55 V. c. 11, s. 4, repealed.

4. Sections 15 and 18 of the Act passed in the 57th year of Her Majesty's reign, chaptered 20, are repealed. 57 V. c. 20, ss. 15 and 18 repealed.

No. 116.

3rd Session, 8th Legislature, 60 Vict, 1897.

BILL.

An Act to abolish Judgment Summons Procedure in Division Courts.

First Reading, 9th March, 1897.

Mr. St. John.

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 117.] **BILL.** [1897,

An Act to amend The Public Libraries Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 11 of *The Public Libraries Act, 1895*, is amended by inserting after the word "incorporated" in the 6th line, the words "or operating" and by inserting after the word "schools" in the 7th line, the words "or any other Act." 58 V. c. 45, s. 11, subs. 1, amended.

No. 117.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Public Libraries Act.

First Reading, 9th March, 1897.

Mr. MAGWOOD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty

No. 118.] BILL. [1897.

An Act to amend the Law respecting the Registration of Deaths.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

59 V. c. 17, s. 21, amended.

1. Section 21 of the Act passed in the 59th year of Her Majesty's reign, intituled, *An Act Revising and Consolidating the Acts Respecting the Registration of Births, Marriages and Deaths*, is amended by adding to the end thereof the following :—

Where deaths in township may be registered.

" Provided that where the death takes place in a township the same may be registered with the nearest division registrar, but such division registrar shall forward the certificate of registration to the registrar of the division in which the death took place."

59 V. c. 17, s. 23, repealed.

2. Section 23 of the said Act is repealed and the following substituted therefor :

Certificate required before removal for burial.

23. No removal for burial of the dead body of any person shall take place, and no undertaker, clergyman, sexton, householder or other person shall engage in the burial of the dead body of any person unless a certificate of registration has been previously obtained to the knowledge of the person so removing or engaging in the burial of the dead body. Provided that when a death has occurred in a township a certificate of registration from the nearest division registrar shall be sufficient ; but such division registrar shall forward the certificate to the registrar of the division in which the death occurred.

59 V. c. 17, s. 22, amended.

3. Section 22 of the said Act is amended by striking out the word " none " in the sixth line thereof and substituting the words " no such medical health officer " therefor.

59 V. c. 17, s. 24, amended.

4. Section 24 of the said Act is amended by striking out the words " division registrar of the division in which the death took place " and substituting the words " proper division registrar."

No. 118.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend the Law respecting the Registration of Deaths.

First Reading, 9th March, 1897.

Mr. CURRIE.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty,

No. 119.] **BILL.** [1897

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

55 V. c 48, s. 27, subs. 1, amended.

Assessment of farm lands in towns and villages.

1. Subsection 1 of section 27 of *The Consolidated Assessment Act, 1892*, as the same is amended by section 2 of *The Assessment Amendment Act, 1895*, and by section 1 of *The Assessment Amendment Act, 1896*, is further amended by striking out the word "ten" before the word "acres" in the eighth line of the said subsection and inserting the word "four" in lieu thereof.

55 V. c. 48, s. 7*a*, subs 1 amended.

2. Subsection 7 of section 7*a* of *The Consolidated Assessment Act, 1892*, is hereby amended by striking out the word "five" in the third line of the said subsection and inserting the word "four" in lieu thereof.

55 V. c 48, s. 7*a*, subs. 3 amended.

3. Subsection 3 of section 7*a* of *The Consolidated Assessment Act, 1892*, is hereby amended by adding thereto the following words :—

Notice claiming exemption for farm lands from taxation for certain services.

"But it shall not be necessary to give such notice more than once unless there is a change of ownership of the whole or any part of the property in respect to which such exemption is claimed and the by-law passed by the council under and in pursuance of subsection 2 of said section shall remain in force from year to year in the absence of any such change of ownership."

No. 119.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Assessment Act.

1st Reading, 9th March, 1897.

Mr. FLATT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 120.] BILL. [1897.

An Act respecting certain Liabilities of Hospital Trustees.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Actions for damages for negligence, etc., to be brought against trustees or owners and not against employees.

1. In any case where an action may be brought against the trustees, or owner, or corporate body, owning or controlling any hospital, infirmary or other place where persons receive medical or surgical treatment, either free of charge or for remuneration, for damages caused by negligence, want of skill, ignorance or malpractice on the part of any person employed or engaged by such trustees, owner or corporate body as superintendent, medical attendant, member of the medical or surgical staff or nurse in such hospital, infirmary or other place, no action shall be brought in respect of or to recover such damages or any part thereof against any person so employed or engaged, but the remedy shall be, lie and be had wholly against such trustees, owner or corporate body, anything in any general or special Act, or in any deed, will or other instrument under which such hospital is so owned or controlled to the contrary notwithstanding.

Damages may be paid out of revenues of trust.

2. The damages and costs recovered in any such action against the trustees of any hospital shall be a debt due from the trust to the person to whom the same are awarded and shall be payable by the trustees out of the revenues of the trust coming to their hands, and the application of such revenues to the purpose aforesaid shall not be deemed a breach of trust on the part of such trustees.

Pending actions, right of trustees against employees.

3. Nothing herein contained shall apply to or affect pending litigation or prevent any action being brought or maintained by any such board of trustees, owner or corporate body, against any officer or employee for negligence or misconduct or for any act of omission or commission in breach of his duty as such officer or employee.

Application of Act.

4. Nothing in this Act contained shall apply to any hospital, infirmary or other place which has not an endowment or capital of at least $5,000, the revenue from which is applicable to the maintenance of such hospital, infirmary or other place, unless the same is owned or controlled by a municipal corporation.

No. 120.

3rd Session, 8th Legislature, 60 Vic., 1897.

BILL.

An Act respecting Liabilities of Hospital Trustees.

First Reading, 10th March, 1897.

Mr. RYERSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 121] BILL [1897.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Subsections 4 and 5 of section 352 *The Consolidated Municipal Act, 1892*, are repealed. 55 V. c. 42, s. 352, subss. 4 and 5 repealed.

2. The said Act is amended by inserting therein the following section as section 352*a* : 55 V. c. 42, amended.

352*a*.—(1) Every by-law providing for the issue of debentures passed under the provisions of this Act relating to local improvements, where the same has been so registered, and the debentures issued thereunder, and the assessment made upon the real property mentioned therein notwithstanding any want of substance or form either in the by-law itself, or in the time and manner of passing the same, shall be absolutely valid and binding upon the municipality and upon such real property according to the terms thereof, and shall not be quashed or set aside on any ground whatever, unless an application or action to quash or set aside the same be made to some court of competent jurisdiction, within one month from the registry thereof. Irregularities in form not to invalidate debentures in certain cases.

(2) Where any action or proceeding shall be brought or taken or where an application shall be made to quash or set aside such by-law so registered, a certificate thereof under the hand and seal of the clerk of the court shall be registered in such registry office within five weeks from the date of registering the by-law, and in default thereof the court or judge may refuse to hear, or may dismiss any such action, proceeding, motion or application to quash or set aside the by-law. Registration of certificate of application to quash.

Application to by-laws passed under section 623c. 57 V. c. 50.

(3) The provisions of subsection 1 of this section shall apply to all by-laws passed under section 623c of this Act as enacted by section 16 of *The Municipal Amendment Act, 1894*, and to the debentures issued thereunder.

55 V. c. 42, s. 354, amended.

3. Section 354 of the said Act is hereby amended by striking out the words "sections 352" in the first line thereof and substituting therefore the words "sections 352 and 352*a*," and by inserting in the form of notice after the words "three months" the words "or one month (as the case may require)."

Notice of registration of by-laws.

55 V. c. 42, s. 357, subs. 2, amended.

4. Subsection 2 of section 357 of the said Act is amended by striking out the words "on the 29th day of March, 1873."

Council to levy rates necessary to pay all debts. 55 V. c. 42, amended.

5. The said Act is amended by inserting therein the following as section 365*a*:

Priority of debentures.

365*a*. All debentures issued by any municipal corporation under any by-law hereafter passed shall as regards both principal and interest have preference and priority over all debentures, bonds or obligations for borrowed money issued by any such municipal corporation under any by-law subsequently passed.

55 V. c. 42, s. 408, amended.

6. Section 408 of the said Act is hereby amended by striking out all the words and figures therein down to and inclusive of "on such debentures" and substituting therefor the words "where the interest on the debentures issued under a by-law passed by any municipality."

Debentures upon which interest has been paid to be valid.

No. 121.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Municipal Act.

First Reading, 10th March, 1897.

Mr. MIDDLETON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 122.] BILL. [1897.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Consolidated Municipal Act, 1892*, is amended by inserting therein the following as section 540*a*. 55 V. c. 42, amended.

540*a*. Under this Act a deviation road or deviation from a boundary line between municipalities shall be held to be a line of road diverging from and used in lieu of such boundary line to avoid natural obstructions preventing the making of a public road upon such boundary, following in a course as nearly parallel with, and as close to such boundary line as the nature of the ground will admit of for a proper road, and as soon as practicable rejoining the same boundary line or a continuation thereof, or some other public highway leading thereto. And each part of such deviation or deviation road shall be regarded as substituted for that part of the actual boundary line that lies opposite to it in a direct line therefrom. What is to be deemed a deviating road.

No. 122.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Municipal Act.

First Reading, 10th March, 1897.

Mr. CARNEGIE.

TORONTO.
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 123.] **BILL.** [1897.

An Act respecting Affidavits and Declarations made before Notaries Public.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Notary public need not affix seal on affidavits, etc.

1. In any case in which under the authority of any Act of Province of Ontario a notary public is authorized to administer oaths or to take any affidavit or statutory declaration it shall not be necessary to the validity of such oath or affidavit or declaration that the notary public before whom the same is taken shall affix his seal thereto, and every such oath, affidavit or declaration signed by a notary public who has not affixed his seal shall be receivable in evidence of the facts therein deposed to, and for all other purposes, in the same manner and to the same extent as if the seal of the notary public had been affixed thereto.

Application of Act.

2. This Act shall apply to oaths, affidavits and declarations made or taken as well before as after the passing of this Act but nothing herein contained shall affect the question of costs in any action or other proceeding pending at the time of the passing hereof.

No. 123.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting Affidavits and Declarations made before Notaries Public.

First Reading, 10th March, 1897.

Mr. AULD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 124.] BILL. [1897.

An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. *The Consolidated Assessment Act, 1892*, is hereby amended by adding thereto the following section :— 55 V. c. 48 amended.

171*b*. If the Treasurer sells any interest in land of which the fee is in the city, town or other municipality in respect of which the taxes accrue, he shall only sell the interest therein of the lessee or tenant, and it shall be so distinctly expressed in the conveyance to be made by the Treasurer and Warden, and such conveyance shall give the purchaser the same rights only in respect of the land as the original lessee or tenant enjoyed. Sale of interest of lessee or tenant of municipa property.

No. 124.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Assessment Act.

First Reading, 11th March, 1897.

Mr. CRAWFORD.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 125.] **BILL.** [1897.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Consolidated Assessment Act, 1892*, is amended by inserting therein the following section as section 209*a*. 55 V. c. 48, amended.

Sales for taxes on lands which have been annexed to city or separated town.

209*a*. Where a municipality or any part of a municipality has been or may hereafter be separated from a county and included in a city or town separated from the county for municipal purposes, after a return has been made to the treasurer of the county of lands in arrear for taxes, but the lands have not been advertised for sale by the treasurer of the county, such treasurer shall return to the treasurer of the city or town a list of all the lands within such territory returned as in arrear for taxes and not advertised; and the treasurer and mayor of the city or town shall have power to take all the proceedings which treasurers and wardens under this Act can take for the sale and conveyance of lands in arrear for taxes, but in case the lands in such territory have been advertised before the separation, the sale of such lands shall be completed in the same manner as if the separation had not taken place, and conveyance of lands previously sold shall be made in like manner.

No. 125.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Assessment Act.

First Reading, 12th March, 1897.

Mr. DICKENSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer of the Queen's Most Excellent Majesty.

No. 126.] BILL. [1897.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 2 of section 489 of *The Consolidated Municipal Act, 1892*, s. 1 (1) is amended by inserting after the word "Taxes" in the second line thereof the words "and in towns where the municipality owns waterworks and electric light systems all dues and charges for the use of the same." 55 V. c. 42, s. 489, sub. s. 2 amended.

2. That subsection 1 of section 77 of the said Act be amended by inserting after the word "magistrate" "no ratepayer in default for taxes, water and light rates or any debt due the municipality." 55 V. c. 42, s. 77, subsection 1 amended.

No. 126.

3rd Session, 8th Legislature, 60 Vict., 1897

BILL.

An Act to amend The Municipal Act.

First Reading, 15th March, 1897.

Mr. HISCOTT.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 127.] BILL. [1897.

An Act to amend The Municipal Waterworks Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 35*a* of *The Municipal Waterworks Act*, as enacted by section 1 of the Act entitled *An Act to amend the Municipal Waterworks Act*, passed in the 53rd year of Her Majesty's reign, chaptered 53, is repealed and the following substituted therefor :— 53 V. c. 53, s. 1 repealed.

Levying rates on properties abutting the streets along which mains and extensions are laid.

35*a*. For the purpose of assisting in the payment of any debentures issued for the purpose of waterworks or of paying or recouping to the general funds of the municipality in whole or part moneys expended in the purchase or construction of waterworks, or any extension thereof, whether heretofore or hereafter made, and interest thereon, it shall and may be lawful for the council to provide by by-law for the assessment and collection of a special tax or rate in each year, not exceeding four mills in the dollar upon the several properties in front of which the main or extension is laid, according to the assessed value thereof, as well as all other properties which may enjoy the advantage of use of water from the said main or extension distant not more than 300 feet therefrom for the purpose of protection against fire, whether the owners or ratepayers thereof use the water or not for general purposes, to meet the yearly interest on any debentures issued for the purposes of the said waterworks and to form a sinking fund for the payment of all said debentures or to pay or recoup in yearly instalments or otherwise moneys raised by a general rate or acquired in or through the operation of waterworks and expended in the purchase or construction of waterworks or any extension thereof and interest thereon not exceeding the rate of five per centum per annum ; and in the event of such work of extension having been paid for by commissioners under this

Act from moneys raised or collected in the operation of such waterworks, the amount raised as a special tax shall be payable by the treasurer on the certificate of the commissioners in the same manner as other moneys required in respect of such works; provided that the collector of taxes upon the production by the owner or occupant using said water of the receipt for the payment of the rent chargeable for the use thereof during the year, or such proportion thereof as shall equal such special tax, shall remit or allow to such owner or occupant the amount so paid as a payment *pro tanto* on account of the special tax authorized to be levied by this section.

No. 127.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Municipal Water-works Act.

First Reading, 15th March, 1897.

Mr. PARDO.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty

No. 128.] BILL. [1897.

An Act to amend The General Road Companies' Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

58 V. c. 31, s. 1, cl. (b) amended.

1. Clause (b) of section 1 of the Act passed in the 58th year of Her Majesty's reign, chaptered 31, is amended by inserting the word "finally" after the word "shall" where it first appears in the second line thereof.

58 V. c. 31, s. 3, subs. 1 amended.

2. Subsection 1 of section 3 of the said Act is amended by striking out the "last two lines" thereof, also the "last two words" in the second line.

Person using toll road may give name and place of residence and tender exact amount.

3. (1) Any person using a toll road shall be entitled to hand to the toll gate keeper at the time of passing through any toll gate a statement in writing with his name and address and the township, lot and concession on which he lives, or the town or city and street and number of residence, or place of business, and all the distance he has travelled, and intends travelling on such road, and to tender to the toll gate keeper the proper rate per mile for such use of the toll road, and the toll gate keeper shall thereupon permit such person to pass through the toll gate upon payment of the rate so tendered, and upon each subsequent time of passing through such toll gate the person who has given such statement in writing may refer thereto and verbally renew the representations therein contained, and shall thereupon be entitled to pass through such toll gate upon again paying the proper rate per mile for the use of the toll road.

Computing miles.

(2) In computing the mileage travelled one-half mile or more shall be reckoned as a mile and no fraction of a mile less than one-half shall be reckoned.

Penalty.

(3) Any person wilfully making a false representation to any toll gate keeper under the next preceding subsections hereof shall incur a penalty not exceeding $10 and costs, which may be recovered before any Justice of the Peace for the county in which such toll gate is situated, one-half of said penalty shall be payable to the toll gate keeper making the complaint, and one-half to the Road Company owning the road.

Standard of repair for toll roads.

4. The following formula shall be considered a proper standard description of a toll road, that toll may legally be collected upon:—

(*a*) The road bed shall be properly drained, and all outlets from road drains kept open and clear of all obstructions, so that the water may immediately leave the roadway.

(*b*) The roadway shall not be less than 20 feet nor more than 28 feet in width, between the inside edges of the side ditches, and shall have a crown of not less than 1 nor more than $1\frac{1}{4}$ inches vertical to 1 foot horizontal on cross sections, and to have a horizontal grade on the surface of not more than 1 foot vertical to 20 feet horizontal, except in case of hills, where the easiest possible grade shall be obtained, having due regard to the cost of the work, and the nature and extent of the traffic thereon.

(*c*) The travelled portion of the surface to a width of 8 feet shall be covered with good clean gravel, or broken stone, the broken stone to be placed to the depth of 10 inches in the centre and 8 inches at the side of the graded portion of the road, no piece that will not pass through a 2-inch ring shall be within 3 inches of the surface, which is to be blinded with a light coating of sand or fine gravel, and thoroughly rolled, where gravel is used it shall be 12 inches in depth at the centre and 10 inches at the sides, no ruts or depressions shall be allowed in the surface of the roadway, and in making repairs implements to thoroughly compact the material shall be used, the surface of the road shall at all times be kept smooth.

(*d*) The construction of all bridges and culverts shall be of an extra substantial character, having special regard for the safety of the travelling public.

(*e*) Dangerous places at the side of the road, such as embankments, etc., of a greater descent than 2 feet shall be thoroughly protected with substantial guards provided with hub and breast rails.

(*f*) During the winter season the road shall be kept open for traffic by reducing without delay all snow drifts or obstructions caused by drifting snow to a reasonable uniform depth, so as not to impede, endanger or interfere with traffic.

5.—(*a*) The county engineer shall examine all roads, bridges, etc., upon which toll is collected in his county, once or more each year, at a time or times to be fixed by the warden of the county, who shall also cause notice of said day or days to be given to the road companies, by leaving the same with any of the keepers of the toll gates belonging to the company. Examination of roads by engineer.

(*b*) The engineer, after two clear days after the notice so to be given has been left with the keepers of the toll gates, shall inspect and examine the roads or bridges, and if upon such examination the road or bridge is found to be not up to the standard formula prescribed in the preceding section, he shall notify the road company by leaving a written memorandum of the result of his inspection with any of the keepers of the toll gates belonging to the company, together with a notice to the effect that the directors or toll gate keepers shall not demand or take toll from any person travelling with or without any beast or vehicle, or passing through the toll gates, where tolls were being collected, until the engineer has again examined the road, and in writing certified it to have been repaired and put in condition that will comply with the aforesaid formula, and also in writing certified that all expenses in connection with said examinations have been paid.

(*c*) In making his examination the engineer shall have power to dig up cross sections at frequent intervals along any road for the purpose of examining the quantity and quality of material upon the road.

(*d*) In case the action of the engineer should be unsatisfactory to any person concerned, his action shall be subject to appeal to the Provincial Road Inspector, whose decision thereon shall be final.

(*e*) The engineer shall re-examine the roads at any time the road companies may request him so to do.

(*f*) The cost of the engineer examining the various roads in his county shall be borne as follows:—If the roads are found to comply with the standard formula then the county is liable for the expense, but in cases where the road is found not up to the standard formula then the particular company owning the said road shall be liable for the expense.

(*g*) If after the notice referred to in clause (*b*) of this section has been left at one of the toll gates, and before the written certificate of the engineer to the effect that the road has been put in condition in compliance with the aforesaid formula any person acting as a keeper of such toll gate demands or takes toll, or refuses to allow the person travelling as aforesaid to pass through the toll gate without payment thereon, he shall be upon conviction before a Justice of the Peace for the county in which the toll gate is situated, upon the oath of one creditable witness forfeit and pay a sum not exceeding $10 and

costs, for ever such offence, to be collected or enforced in the manner prescribed for collection and enforcement of other penalties under this Act, the penalty for any offence against this section shall be payable to the complainant.

Act to apply to roads owned by individuals.

6. This Act shall apply where the road is owned by private individual or private individuals in the same manner as when it is owned by a company, and the word "company" herein shall be construed to include the owner or owners whether forming a company or not.

Grants for purchase of roads.

7. *In order to encourage the abolition of tolls throughout the Province, the Ontario Legislature will grant 25 per cent. of the cost of all roads purchased by municipalities, and made free within the next three years.*

Inconsistent enactments not to apply.

8. So long as the preceding seven sections shall be in force, so much of any Act or law as may be contrary to and shall conflict with the same shall not be in force or apply.

No. 128.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The General Road Companies' Act.

First Reading, 16th March, 1897.

Mr. FLATT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 129.] BILL. [1897.

An Act to amend the Act to regulate Travelling on Public Highways and Bridges.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section one of the Act entitled, *An Act to Regulate Travelling on Public Highways and Bridges*, being chapter 195 of the Revised Statutes of Ontario, is hereby amended so as to read as follows :— Rev. Stat. c. 195, s. 1, amended.

1. In case a person travelling or being upon a highway in charge of a vehicle or horse meets another vehicle or horse so in charge he shall turn out to the right from the centre of the road allowing to the vehicle or horse so met one-half of the road. Rule of the road for horses and vehicles.

No. 129.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Act to regulate Travelling on Public Highways and Bridges.

First Reading, 16th March, 1897.

Mr. STRATTON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 129.] **BILL.** [1897.

An Act to amend the Act to regulate Travelling on Public Highways and Bridges.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c. 195, s. 1, amended.

1. Section one of the Act entitled, *An Act to Regulate Travelling on Public Highways and Bridges*, being chapter 195 of the Revised Statutes of Ontario, is hereby amended by adding thereto the following subsections:

Rule of the road for horses and vehicles.

1*a*. In case a person travelling or being upon a highway in charge of a vehicle as aforesaid meets a person travelling upon a bicycle or tricycle he shall where practicable allow the person travelling upon a bicycle or tricycle sufficient room on the travelled portion of the highway to pass to the right.

1*b*. In case a person travelling upon a highway on a bicycle or tricycle overtakes any vehicle as aforesaid or horseman travelling at less speed, or a person travelling on foot, the person travelling on a bicycle or tricle shall give to the other person audible warning of his approach before attempting to pass.

1*c*. In case a person travelling or being upon a street or highway on a bicycle or tricycle is overtaken by any vehicle as aforesaid or horseman travelling at a greater speed, the person so overtaken shall quietly turn out to the right and allow the said vehicle or horseman to pass and the person so overtaking the bicycle or tricycle shall turn out to the left so far as may be necessary to avoid a collision.

1*d*. In case a person travelling upon a bicycle or tricycle in cities of over one hundred thousand inhabitants in a northerly or westerly direction upon the central strip between the double tracks of a surface railway meets another person on a bicycle or tricycle travelling in an opposite direction he shall turn out to the right, allowing to the bicycle or tricycle so travelling south or east the whole of such central strip.

No. 129.

3rd Session, 8th Legislature, 60 Vict., 1897

BILL.

An Act to amend The Act to regulate Travelling on Public Highways and Bridges.

First Reading, 16th March, 1897.
Second Reading, 26th March, 1897.

(Reprinted as amended by the Municipal Committee.)

Mr. STRATTON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty

No. 130.] BILL. [1897.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Consolidated Municipal Act, 1892*, is amended by adding the following section: 55 V. c. 42, amended.

1. The council of every county, township, city, town and incorporated village may pass by-laws for setting apart so much of any highway or road or street as the council of any such municipality having control over such highway, road or street may deem necessary for the purposes of a bicycle path and if a person rides or drives a horse or other beast of burden over such bicycle path he shall incur the penalties imposed by *The Act to regulate Travelling on Public Highways and Bridges*. By-laws setting aside bicycle paths. Rev. Stat. c. 195.

No. 130.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Municipal Act.

First Reading, 16th March, 1897.

Mr. STRATTON.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 131.] **BILL.** 1897.]

An Act to amend The County Councils Act, 1896.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of Commission to re-divide county, on petition of council.

1. Whenever the council of any county by petition, requests the Lieutenant-Governor in Council to order that a new division of the county may be made for the purpose of representation in the county council under *The County Councils Act, 1896*, the Lieutenant-Governor in Council may appoint a Commission for that purpose, but a Commission shall not be issued more than once in every five years with respect to any county, and no Commission shall issue under this Act before the year 1900.

When commission to complete work and report.

2. Every such Commission shall begin its sittings not later than the 1st day of June, and shall conclude and make its final report on or before the 1st day of October in the year in which it is appointed.

Application of certain provisions of 59 V. c. 52.

3. Sections 29 to 33 of *The County Councils Act, 1896*, and the procedure provided and the powers conferred upon the commissioners, thereby, shall apply to any re-division of a county made under the authority of this Act.

Expenses of commission.

4. The expenses of every Commission appointed under this Act shall be determined and certified by the Treasurer of the Province, and shall thenceforth become a debt due to the commissioners by the corporation, and shall be payable within three months after demand therefor made by the commissioners or by any one of the commissioners at the office of the treasurer of the corporation.

Act incorporated with 59 V. c. 52.

5. This Act shall be read with and form part of *The County Councils Act, 1896.*

No. 131.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The County Councils Act, 1897.

First Reading, 16th March, 1897.

Mr. RICHARDSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 132.] BILL. [1897

An Act to amend the Law of Landlord and Tenant.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

57 V. c. 43, s. 1, amended.

1. Subsection 1 of section 28 of *The Act respecting the Law of Landlord and Tenant*, as enacted by section 1 of the Act passed in the 57th year of Her Majesty's reign, chaptered 43, is amended by inserting therein after the word "otherwise" in the 9th line thereof, the words "unless such title was acquired by purchase, transfer, assignment or mortgage, under an instrument in writing made and registered in accordance with *The Bills of Sale and Chattel Mortgage Act, 1894*," before the commencement of the tenancy.

Application to instruments executed prior to passing of Act.

2. This Act shall apply to purchases, transfers, assignments and mortgages made before as well as after the passing hereof, but nothing herein contained shall affect the question of costs in any action now pending.

No. 132.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend the Law of Landlord and Tenant.

First Reading, 16th March, 1897.

Mr. SMITH.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 133.] **BILL.** [1897.

An Act to amend the Act respecting Execution.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Interest in pew or sitting may be taken in execution and sold.

1. The interest of any person lawfully derived by deed, lease or license in writing from the wardens or other authorities of any church in a pew or sitting in such church, if such interest is lawfully assignable by the holder thereof, may be sold under judgment and execution action at the suit of the said churchwardens or trustees of such church for arrears of any rent or other charge to which such sitting or pew is subject, or which the holder thereof may have agreed to pay or for which he may be lawfully liable, or at the suit of any creditor of such holder, and the churchwardens or other trustees of any such church may become purchasers at such sale on behalf of such church, and may re-let or sell the right so acquired.

Sale under execution.

2. The sheriff may execute a deed to the purchaser of the interest so sold under execution, and such deed shall be effectual to the purchaser and the churchwardens or trustees shall, on production of such deed, give effect to the same to the extent of the interest so sold, upon payment of any arrears of rent or charges then due : Provided that such sale shall be subject to any continuing rent or charge on such pew or sitting previously stipulated or imposed, and shall not prejudice the right of the vestry or churchwardens or congregation or trustees to impose increased rent or charges on such pew or sitting pursuant to *The Church Temporalities Act*, or any other law or custom.

Prov so.

No. 133.

3rd Session, 8th Legislature, 60 Vict., 1897.

Bill.

An Act to amend the Act respecting Execution.

First Reading, 17th March, 1897.

Mr. HOWLAND.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 134.] **BILL.** [1897.

An Act respecting the Lien of Repairers, Mechanics and Artisans upon Personal Property.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lien of person repairing, constructing or altering any material or article.

1. Whenever any person shall entrust to any repairer, mechanic or artisan any material or article to be constructed, altered or repaired, such repairer, mechanic or artisan has a lien thereon for his reasonable charges for work done and materials furnished, and may sell such material or article so constructed, altered or repaired, if his reasonable charges therefor shall remain unpaid after the expiration of a period of twelve months after completion, retaining so much of the selling price as will pay him a fair and reasonable charge for his services, material furnished and expense of sale, paying over the surplus, if any, to the owner upon demand.

Sale to enforce lien.

2. Such sale shall be at public auction and for cash.

Notice of sale.

3. Before such sale, said repairer, mechanic or artisan shall give public notice of the time and place thereof, by posting written or printed notice for ten days in three conspicuous public places in the city or town where he resides, one of which shall be in some conspicuous place in his shop or place of business, and by mailing a copy thereof enclosed in a sealed postpaid wrapper, directed to the owner at his last known place of residence.

No. 134.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Lien of Repairers, Mechanics and Artisans upon Personal Property.

First Reading, 17th March, 1897.

Mr. RYERSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 135.] **BILL.** [1897.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Subsection 2 of section 34 of *The Consolidated Assessment Act, 1892*, is amended by adding the words "electric light works" after the words "gas works" in the said subsection. 55 V. c. 48, s. 34, subs. 2, amended.

No. 135.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Assessment Act.

First Reading, 18th March, 1897.

Mr. GARROW.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 136.] **BILL.** [1897.

An Act to amend The Division Courts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 51, s. 111, subs. 1 repealed.

1. Except as to actions pending when this Act shall take effect, subsection 1 of section 111 of *The Division Courts Act* is hereby repealed and the following substituted therefor:

Motion for judgment.

111.—(1) In any action within the meaning of section 109 of this Act, for the recovery of the sum of $25 or upwards, the plaintiff in the action may, on an affidavit made by himself or by any other person who can swear positively to the debt or cause of action, verifying the cause of action and stating that in his behalf there is no defence to the action, concurrently with the service of the summons commencing the action, or at any subsequent time serve the defendant with a notice of motion to shew cause before the Judge of the Division Court in which the action is brought why the plaintiff should not be at liberty to have final judgment entered in his favor by the clerk for the amount of the debt or money demand sought to be recovered in the action together with interest if any and costs. A copy of the affidavit shall accompany the notice of motion. The Judge may thereupon, unless the defendant by affidavit or otherwise satisfy the Judge that he has a good defence to the action on the merits or discloses such facts as may be deemed sufficient to entitle him to defend the action, made an order empowering the clerk to sign final judgment accordingly.

Rev. Stat. c. 51, s. 111, subs. 7 repealed.

2. Subsection 7 of said section 111 is hereby repealed.

No. 136.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Division Courts Act

First Reading, 18th March, 1897.

Mr. GARROW.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 137.] BILL. [1897.

An Act to amend The Registry A t.

HER MAJESTY, by and with the advice end consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Mortgagee to prepare and deliver discharge on payment of mortgage.

1. Upon any mortgage on real property being paid off and discharged, it shall be the duty of the mortgagee or other person entitled to receive payment of the same to forthwith prepare and deliver to the mortgagor or other person entitled to pay off the mortgage money and have the mortgage discharged, a certificate of discharge in the form provided by *The Municipal Act*, duly executed in the manner provided by *The Registry Act, 1893*.

Order of County Judge for execution and delivery of discharge.

2. Where any such mortgagee or other person neglects to comply with the provisions of the preceding section, the mortgagor or other person entitled to such discharge may, at any time thereafter, apply to the Judge of the County Court of the county in which the mortgaged lands are situate, for an order directing the execution and delivery of a discharge in compliance with the provisions of the preceding section, and such judge shall, upon proof of such non-compliance, make an order that the person whose duty it was to have given a discharge at the time of the paying off of the mortgage, shall execute and deliver, or procure to be executed and delivered, or in the event of his death, that his representatives shall execute and deliver, or procure to be executed and delivered, a valid discharge of such mortgage, and the expense of such mortgagee or other person, or of his estate, and that the costs of procuring such order shall be paid by such mortgagee or other person or out of his estate.

No. 137.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Registry Act.

First Reading, 19th March, 1897.

Mr. McDONALD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 138.] **BILL.** [1897.

An Act respecting Land Surveyors and the Survey of Lands.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat., c. 152, s. 6, amended.

1. Section 6 of *The Act respecting Land Surveyors and the Survey of Lands*, being chapter 152, of the Revised Statutes of Ontario, 1887, is amended by striking out the words "first Monday in each of the months of April and November" in the second and third lines thereof, and inserting in lieu thereof the words "second Monday in the month of February."

Rev. Stat., c. 152, s. 7, repealed.

2. Section 7 of the said Act is repealed and the following is substituted therefor:

Qualifications of apprentice.

No person shall be admitted as an apprentice with any Ontario land surveyor unless he has previously passed an examination to the satisfaction of the Board of Examiners, in penmanship, orthography, English grammar, arithmetic, algebra, (including square-root logarithms and quadratic equations), euclid, (first four books and deductions,) plane trigonometry, spherical trigonometry as far as and including the solution of right-angled triangles, mensuration, practical geometry, (including the use of ruling-pen and the construction of plane and comparative scales) Canadian and general geography and Canadian history, and has obtained a certificate of such examination and of his proficiency from the Board.

Rev. Stat., c. 152, s. 10, amended.

3. Section 10 of the said Act is hereby amended by inserting the words "elementary botany and the forest flora of Canada" immediately after the word "mineralogy" in the 20th line thereof and by inserting the words "except as is in this section hereinafter provided" after the words "three successive years" in the 22nd line thereof.

Rev. Stat., c. 152, s. 10, amended.

4. Section 10 of the said Act is further amended by adding thereto the following as sub-section 2:

Apprentice may attend School of Practical Science or similar institution.

(2) Any person serving as an apprentice as hereinbefore provided, may, with the permission of the Board of Examiners attend the Ontario School of Practical Science, or any school, college, or university, the course of study in which is in the opinion of the Board sufficiently similar to that in the Ontario School of Practical Science, for the purpose of taking any course of study which includes any subjects required for the final examination for admission to practice as a land surveyor, but the total period of such apprenticeship and of such course of study shall not exceed the period of four years from the date of the articles of apprenticeship as above mentioned, and not less than three years of the said period of four years shall be passed in the actual service of a practising Ontario Land Surveyor.

Rev. Stat. c. 152, sec. 12, repealed.

5. Section 12 of the said Act is hereby repealed.

Rev. Stat. c. 152, ss. 11 and 12, repealed.

6. Sections 11 and 13 of the said Act are hereby repealed, and the following substituted therefor:

Persons qualified in other British dominions to be admitted to practice in Ontario.

In case a person who has attained the full age of 21 years, and who has been practising as a land surveyor in any of Her Majesty's dominions other than this Province, shall satisfy the Board of Examiners that the qualifications for practice required of such person in the said dominion, were sufficiently similar to those required in this Province, and shall produce to the said Board his diplomas or certificates, such person shall not be required to serve as an apprentice, or shall only be required to serve during such period not exceeding three years as the said Board may consider requisite, after which such person shall on complying with the other requirements of this Act, have the right to undergo the final examination, or such portions thereof as the said Board may consider necessary, and shall, if found qualified, be admitted to practice as a land surveyor in Ontario.

Rev. Stat. c. 152, s. 14, amended.

7. Section 14 of the said Act is amended by inserting the word "Royal" immediately after the word "the" in the 2nd line thereof, by inserting the words "in civil engineering or of the McGill College, Montreal, in civil engineering" after the word "science" in the 3rd line thereof, by striking out the word "bounden" in the 7th line thereof, and inserting in lieu thereof the word "required," and by adding the following as subsection 2, thereof:

(2) Such person at any time during his apprenticeship may with the permission of the Board of Examiners, attend the Ontario School of Practical Science, or any school, college, or university, the course of study in which is in the opinion of the Board, sufficiently similar to that in the Ontario School of

Practical Science, for the purpose of taking any course of study which includes any subjects required for the final examination for admission to practice as a land surveyor, but the total period of such apprenticeship, and of such course of study, shall not exceed the period of two years from the date of the articles of apprenticeship as above mentioned, and not less than twelve months of the said period of two years shall be passed in the actual service of a practising Ontario Land Surveyor.

Rev. Stat. c. 152, s. 15, amended.

8. Section 15 of the said Act is amended by inserting the words " or ceases to practice " after the word " dismissed " in the 2nd line thereof, and by striking out the words " surveyor duly admitted " and inserting the words " registered surveyor in actual practice " in the last line thereof.

Rev. Stat. c. 152, s. 16, amended.

9. Section 16 of the said Act is amended, by striking out the words " practising surveyor duly admitted " in the 2nd and 3rd lines thereof, and substituting the words " registered surveyor in actual practice."

Rev. Stat. c. 152, s. 17, amended.

10. Section 17 of the said Act is amended, by striking out the words " for the period of three years, twelve months, or six months, (as the case may be)," in the third and fourth lines thereof, and substituting in lieu thereof " for the required period."

Rev. Stat. c. 152, s. 21, subsection 1, amended.

11. Section 1, of section 21 of the said Act is amended, by inserting the words " or the chairman and secretary thereof " immediately after the word " examiners " in the third line of said subsection.

Rev. Stat. c. 152, s. 22, subs. 1, amended.

12. Subsection 1 of section 22 of the said Act is amended, by inserting the words " or a member thereof specially deputed by the Board for that purpose " immediately after the word " examiners " in the third line of said subsection.

Rev. Stat. c. 152, s. 27, amended.

13. Section 27 of the said Act is amended, by striking out the words " fifty cents " in the last line thereof, and inserting in lieu thereof the words " such sum not less than fifty cents, nor more than $2, as the council may by by-law determine."

Rev. Stat. c. 152, s. 38, subs. 4, repealed.

14. Subsection 4 of section 38 of the said Act is repealed, and the following substituted therefor:

Commissioner of Crown Lands to confirm survey after which it is to be permanent.

(4) On the return of such survey to the Commissioner of Crown Lands, he shall cause a notice thereof to be advertised once in each week for four weeks in some newspaper published in the county town of the county in which the lands lie, and shall specify in the advertisement a day not less than ten days from the last publication on which the report of the survey will be considered, and parties affected thereby heard, and on the hearing the Commissioner may either confirm the survey or

direct such amendments or correction to be made as shall seem just, and shall confirm the survey so amended or corrected, and the lines or parts of the lines so surveyed and marked as aforesaid, shall thereafter be the permanent boundary lines of such concession or side roads or part of concessions or side roads, to all intents and purposes of law, whatsoever, and the order of the said Commissioner confirming the said survey shall be final and conclusive upon all parties, and shall not be questioned in any court whatsoever.

Rev. Stat. c. 152, s. 39 sub-s. 2, amended.

15. Sub-section 2 of section 39 of the said Act is amended by adding at the end thereof the words "after confirmation of the survey in the manner provided in the fourth sub section of the preceding section."

Rev. Stat. c. 152, s. 40, amended.

16. Section 40 of the said Act is amended by striking out the words "county treasurer" in the fourth line thereof, and substituting the words "treasurer of the municipality which made the application for the survey."

Rev. Stat. c. 152, s. 52, amended.

17. Section 52 of the said Act is amended by adding the following proviso and subsection:

Proviso.

Provided, that on and after the 1st day of July, 1897, the lines between all lots in the following townships, namely, all townships in the Districts of Muskoka and Parry Sound; all townships in the District of Nipissing, which lie south of the Mattawan river and Trout lake, and the township of Mattawan in the said district; all townships in the provisional county of Haliburton, the townships of Dalton, Digby and Longford, in the county of Victoria; the townships of Galway, Cavendish, Anstruther and Chandos, in the county of Peterborough; the townships of Tudor, Grimsthorp, Wollaston, Limerick, Cashel, Faraday, Dungannon, Mayo, Herschell, Monteagle, Carlow, McClure, Wicklow and Bangor, in the county of Hastings; the townships of Anglesea, Effingham, Abinger and Denbigh, in the county of Addington; the townships of Barrie, South Canonto and North Canonto, in the county of Frontenac, and the townships of Brougham, Grattan, Wilberforce, Alice, Mattawachan, Griffith, Sebastopol, South Algona, North Algona, Fraser, Richards, Hagarty, Brudenell, Lyndoch, Raglan, Radcliffe, Sherwood, Burns and Jones, in the county of Renfrew, shall be run on the astronomic course stated in the plan and field notes of the original survey of record in the Department of Crown Lands, but nothing contained in this proviso shall affect *the* lines *in any block* in any of the above townships *in* which *any line* shall have been run prior to the 1st day of July, 1897.

Surveyors to make returns to township clerk.

(2) Every surveyor shall on the 31st day of December, 1897, and on the 31st day of December in each year thereafter, make to the township clerk a return according to the form given in schedule *D* to this Act of all lines run by him in any of the aforesaid townships under the provisions of the above proviso.

18. The said Act is amended by adding thereto the following as section 52*a* :— Rev. Stat. c. 152, amended.

Proceedings where monuments or posts cannot be found in certain townships.

52*a*. Whenever an Ontario Land Surveyor is employed to run any boundary line of, or any dividing line or limit between any sections, quarter-sections, or other aliquot parts of any section in any of the following townships, namely: Any township in the Rainy River district subdivided into sections, in accordance with the "Dominion Lands" system of survey, and the following townships and parts of townships in the districts of Algoma and Rainy River, Rutherford, Salter, Victoria, all that portion of Shedden south of the fourth concession, the townships of Spragge, Esten, Thompson, all that portion of Patton south of the third concession, the townships of Thessalon-river, Lefroy, Rose, Laird, Meredith, Macdonald, Tarentorus, Aweres, Vankoughnet, Awenge, Korah, Pennefather, Fenwick, sections 31 to 36, both inclusive, of the township of Havilland, the townships of Tilley, Park, Prince, Dennis, Kars, Fisher, Palmer, Herrick, Ryan, Blake, Crooks, Pardee, McIntyre, Macgregor, McTavish, Homer and Byron: and the post or monument planted, erected or marked in the original survey to define the corner of such section, quarter-section or other aliquot part cannot be found, he shall obtain the best evidence that the nature of the case admits of respecting such post or monument, but if the position of the same cannot be satisfactorily so ascertained he shall proceed as follows :—

(*a*) If the lost post or monument is that of a township corner, he shall report the circumstances of the case to the Commissioner of Crown Lands, who shall instruct him how to proceed ;

(*b*) If the lost post or monument is that of a section or quarter-section corner on the boundary line of a township, he shall renew the same by joining the nearest original blazes, quarter-section or section corners on such boundary by a straight line, and shall give to each section or quarter-section a breadth proportionate to that shown on the original plan and field notes thereof, of record in the Department of Crown Lands, having first taken into account and made due allowance for any road or roads, if any, shewn on the said plan and field notes ;

(*c*) If the lost post or corner is that of a section in the interior of a township, he shall renew the same by intersecting the straight lines joining the nearest original blazes, or original quarter-section or section corners, on the adjoining intersecting section boundaries. When the nearest section corner on any side of the lost post or monument is on a township boundary, and when that post or monument is lost, and also the intervening quarter-section posts or monuments, and when there are no original blazes between said corners, the

surveyor shall first renew the said section corner or corners on such township boundary in accordance with the provisions of the next preceding clause;

(*d*) If the lost post or corner is that of a quarter-section in the interior of a township, he shall renew the same by joining the nearest original blazes or adjacent section corners (determined, if necessary, as aforesaid), and shall give to each of the adjacent quarter-sections a breadth proportionate to that shewn on the original plan and field notes aforesaid;

(*e*) In laying out interior boundaries of half-sections or of quarter-sections he shall connect the opposite quarter-section corners (determined, if necessary, as aforesaid) by straight lines.

(*f*) In laying out interior boundaries of other aliquot parts of any section he shall give to such aliquot part its proportionate share of breadth and interior depth and connect the resulting terminal points by straight lines.

Rev. Stat. c. 152, s. 59, repealed.

19. Section 59 of the said Act is repealed and the following substituted therefor:—

Division lines to be run on same astronomic course as straight line joining front and rear ends of governing lines.

59. Every land surveyor employed to run any division line between lots, or any line required to run on the same astronomic course as any division line or side line in the concession in which the land to be surveyed lies, shall run such division line or side line on the same astronomic course (which he shall determine by astronomic observation or by other satisfactory method) as the straight line joining the front and rear ends of the governing boundary line of the concession or section, if so intended in the original survey, or at such angle therewith as is stated in the plan and field notes as aforesaid, which shall be deemed to be the true course of the said governing or boundary line for all the purposesof this Act, although such governing or boundary line as marked in the field be curved or deviate otherwise from a straight course, and if a line is to be run at any angle with a front line or other line which is not straight, the ends of such front or other line shall be joined as above provided.

Rev. Stat. c. 152, s. 62, amended.

20. Section 62 of the said Act is amended by striking out the word "and" in the second, ninth and twelfth lines thereof, and by inserting the words "and townships" immediately after the word "villages" in the said second, ninth and twelfth lines, and by striking out the clause commencing with the words "and all land surveyors" in the fifteenth line thereof, and ending with the words "in townships" in the nineteenth line thereof, and inserting in lieu thereof the following: "and all land surveyors employed in establishing or re-establishing the boundaries of any road, street, common, or lot, shewn on such plan, or on any registered plan in such city, town, village or township, or any part thereof, shall follow the

method adopted in making the original survey of the same, as shewn by the said plan, and shall give to each lot the exact or proportionate dimensions as shewn on said plan.

55 V. c 34, s. 1, amended.

21. Section 1 of the Act passed in the 55th year of Her Majesty's reign, entitled *An Act to incorporate the Association of Ontario Land Surveyors and to amend the Act respecting Land Surveyors and the Survey of Lands* is hereby amended, by inserting the words "and shall continue to be registered" immediately after the word "registered" in the third line thereof.

55 V. c. 34, s. 4, subs. 16 (*a*), amended.

22. Subsection 16 (*a*) of section 4 of the said Act is amended by inserting the words "the secretary-treasurer" immediately after the word "council" in the fifth line thereof.

55 V. c. 34, s. 5, subs. 2, amended.

23. Subsection 2 of section 5 of the said Act is amended by striking out the words "registration fee" in the fourth line thereof, and inserting in lieu thereof the words "arrears of fees due to the Association by such person."

55 V. c. 34, s. 5, amended.

24. Section 5 of the said Act is further amended by adding thereto the following as subsection 3.

Suspension of members.

(3) The council may in their discretion suspend or dismiss from the association any member, and cause his name to be removed from the register, if such member has upon indictment been convicted of any crime by any court of competent jurisdiction.

55 V. c. 34, s. 6, amended.

25. Section 6 of the said Act is amended by striking out the words "and the secretary of the board" in the fourth line thereof.

55 V. c. 34, s. 7, amended.

26. Section 7 of the said Act is amended by inserting after item (6), the following:

(7) By each apprentice with each transfer of articles as a fee for registering same, $2.

(8) By each applicant receiving a certificate to practice, being the fee for official notice in the *Ontario Gazette*, $1.

55 V. c. 34, s. 10, subs. 4, amended.

27. Subsection 4 of section 10 of the said Act is hereby amended by striking out the words "the operations of this Act" in the last line thereof, and inserting in lieu thereof the words "the payment of the annual membership fee to the Association."

☞SCHEDULE D.

(Section 17).

Township of.....

County of.....

I hereby certify that the following lot lines in the above township were run by me during the year ending December 31st, 1...., under the provisions of section .....

Line between.	Concession.	Date.
Lot .... and Lot		
" .... " "		
" .... " "		
" .... " "		
" .... " "		
" .... " "		
" .... " "		
" .... " "		
" .... " "		

Dated at ....., this ..... day of ....., 1....

A. B.,
Ontario Land Surveyor.

No. 138.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting Land Surveyors and the Survey of Lands.

First Reading, 23rd March, 1897.
Second Reading, 31st March, 1897.

(Reprinted as amended in Committee of Whole House.)

Mr. GIBSON,
(Hamilton.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 138.] BILL. [1897.

An Act respecting Land Surveyors and the Survey of Lands.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat., c. 152, s. 6, amended.

1. Section 6 of *The Act respecting Land Surveyors and the Survey of Lands*, being chapter 152, of the Revised Statutes of Ontario, 1887, is amended by striking out the words "first Monday in each of the months of April and November" in the second and third lines thereof, and inserting in lieu thereof the words "second Monday in the month of February."

Rev. Stat., c. 152, s. 7, repealed.

2. Section 7 of the said Act is repealed and the following is substituted therefor:

Qualifications of apprentice.

No person shall be admitted as an apprentice with any Ontario land surveyor unless he has previously passed an examination to the satisfaction of the Board of Examiners, in penmanship, orthography, English grammar, arithmetic, algebra, (including square-root logarithms and quadratic equations), euclid, (first four books and deductions,) plane trigonometry, spherical trigonometry as far as and including the solution of right-angled triangles, mensuration, practical geometry, (including the use of ruling-pen and the construction of plane and comparative scales) Canadian and general geography and Canadian history, and has obtained a certificate of such examination and of his proficiency from the Board.

Rev. Stat., c. 152, s. 10, amended.

3. Section 10 of the said Act is hereby amended by inserting the words "elementary botany and the forest flora of Canada" immediately after the word "mineralogy" in the 20th line thereof and by inserting the words "except as is in this section hereinafter provided" after the words "three successive years" in the 22nd line thereof.

Rev. Stat., c. 152, s. 10, amended.

4. Section 10 of the said Act is further amended by adding thereto the following as sub-section 2:

Apprentice may attend School of Practical Science or similar institution.

(2) Any person serving as an apprentice as hereinbefore provided, may, with the permission of the Board of Examiners attend the Ontario School of Practical Science, or any school, college, or university, the course of study in which is in the opinion of the Board sufficiently similar to that in the Ontario School of Practical Science, for the purpose of taking any course of study which includes any subjects required for the final examination for admission to practice as a land surveyor, but the total period of such apprenticeship and of such course of study shall not exceed the period of four years from the date of the articles of apprenticeship as above mentioned, and not less than three years of the said period of four years shall be passed in the actual service of a practising Ontario Land Surveyor.

Rev. Stat. c. 152, sec. 12, repealed.

5. Section 12 of the said Act is hereby repealed.

Rev. Stat. c. 152, ss. 11 and 12, repealed.

6. Sections 11 and 13 of the said Act are hereby repealed, and the following substituted therefor:

Persons qualified in other British dominions to be admitted to practice in Ontario.

In case a person who has attained the full age of 21 years, and who has been practising as a land surveyor in any of Her Majesty's dominions other than this Province, shall satisfy the Board of Examiners that the qualifications for practice required of such person in the said dominion, were sufficiently similar to those required in this Province, and shall produce to the said Board his diplomas or certificates, such person shall not be required to serve as an apprentice, or shall only be required to serve during such period not exceeding three years as the said Board may consider requisite, after which such person shall on complying with the other requirements of this Act, have the right to undergo the final examination, or such portions thereof as the said Board may consider necessary, and shall, if found qualified, be admitted to practice as a land surveyor in Ontario.

Rev. Stat. c. 152, s. 14, amended.

7. Section 14 of the said Act is amended by inserting the word "royal" immediately after the word "the" in the 2nd line thereof, by inserting the words "in civil engineering or of the McGill College, Montreal, in civil engineering" after the word "science" in the 3rd line thereof, by striking out the word "bounden" in the 7th line thereof, and inserting in lieu thereof the word "required," and by adding the following as subsection 2, thereof:

(2) Such person at any time during his apprenticeship may with the permission of the Board of Examiners, attend the Ontario School of Practical Science, or any school, college, or university, the course of study in which is in the opinion of the Board, sufficiently similar to that in the Ontario School of

Practical Science, for the purpose of taking any course of study which includes any subjects required for the final examination for admission to practice as a land surveyor, but the total period of such apprenticeship, and of such course of study, shall not exceed the period of two years from the date of the articles of apprenticeship as above mentioned, and not less than twelve months of the said period of two years shall be passed in the actual service of a practising Ontario Land Surveyor.

8. Section 15 of the said Act is amended by inserting the words " or ceases to practice " after the word " dismissed " in the 2nd line thereof, and by striking out the words " surveyor duly admitted " and inserting the words " registered surveyor in actual practice " in the last line thereof. Rev. Stat. c. 152, s. 15, amended.

9. Section 16 of the said Act is amended, by striking out the words " practising surveyor duly admitted " in the 2nd and 3rd lines thereof, and substituting the words " registered surveyor in actual practice." Rev. Stat. c. 152, s. 16, amended.

10. Section 17 of the said Act is amended, by striking out the words " for the period of three years, twelve months, or six months, (as the case may be)," in the third and fourth lines thereof, and substituting in lieu thereof " for the required period." Rev. Stat. c. 152, s. 17, amended.

11. Section 1, of section 21 of the said Act is amended, by inserting the words " or the chairman and secretary thereof " immediately after the word " examiners " in the third line of said subsection. Rev. Stat. c. 152, s. 21, subsection 1, amended.

12. Subsection 1 of section 22 of the said Act is amended, by inserting the words " or a member thereof specially deputed by the Board for that purpose " immediately after the word " examiners " in the third line of said subsection. Rev. Stat. c. 152, s. 22, subs 1, amended.

13. Section 27 of the said Act is amended, by striking out the words " fifty cents " in the last line thereof, and inserting in lieu thereof the words " such sum not less than fifty cents, nor more than $2, as the council may by by-law determine." Rev. Stat. c. 152, s. 27, amended.

14. Subsection 4 of section 38 of the said Act is repealed, and the following substituted therefor : Rev. Stat. c. 152, s. 38, subs. 4, repealed.

(4) On the return of such survey to the Commissioner of Crown Lands, he shall cause a notice thereof to be advertised once in each week for four weeks in some newspaper published in the county town of the county in which the lands lie, and shall specify in the advertisement a day not less than ten days from the last publication on which the report of the survey will be considered, and parties affected thereby heard, and on the hearing the Commissioner may either confirm the survey or Commissioner of Crown Lands to confirm survey after which it is to be permanent.

direct such amendments or correction to be made as shall seem just, and shall confirm the survey so amended or corrected, and the lines or parts of the lines so surveyed and marked as aforesaid, shall thereafter be the permanent boundary lines of such concession or side roads or part of concessions or side roads, to all intents and purposes of law, whatsoever, and the order of the said Commissioner confirming the said survey shall be final and conclusive upon all parties, and shall not be questioned in any court whatsoever.

Rev. Stat. c. 152, s. 39 sub-s. 2, amended.

15. Sub-section 2 of section 39 of the said Act is amended by adding at the end thereof the words "after confirmation of the survey in the manner provided in the fourth sub-section of the preceding section."

Rev. Stat. c. 152, s. 40, amended.

16. Section 40 of the said Act is amended by striking out the words "county treasurer" in the fourth line thereof, and substituting the words "treasurer of the municipality which made the application for the survey."

Rev. Stat. c. 152, s. 52, amended.

17. Section 52 of the said Act is amended by adding the following proviso and subsection:

Proviso.

Provided, that on and after the 1st day of July, 1897, the lines between all lots in the following townships, namely, all townships in the Districts of Muskoka and Parry Sound; all townships in the District of Nipissing, which lie south of the Mattawan river and Trout lake, and the township of Mattawan in the said district; all townships in the provisional county of Haliburton, the townships of Dalton, Digby and Longford, in the county of Victoria; the townships of Galway, Cavendish, Anstruther and Chandos, in the county of Peterborough; the townships of Tudor, Grimsthorp, Wollaston, Limerick, Cashel, Faraday, Dungannon, Mayo, Herschell, Monteagle, Carlow, McClure, Wicklow and Bangor, in the county of Hastings; the townships of Anglesea, Effingham, Abinger and Denbigh, in the county of Addington; the townships of Barrie, South Canonto and North Canonto, in the county of Frontenac, and the townships of Brougham, Grattan, Wilberforce, Alice, Mattawachan, Griffith, Sebastopol, South Algona, North Algona, Fraser, Richards, Hagarty, Brudenell, Lyndoch, Raglan, Radcliffe, Sherwood, Burns and Jones, in the county of Renfrew, shall be run on the astronomic course stated in the plan and field notes of the original survey of record in the Department of Crown Lands, but nothing contained in this proviso shall affect any lines in any of the above townships which shall have been run prior to the 1st day of July, 1897.

Surveyors to make returns to township clerk.

(2) Every surveyor shall on the 31st day of December, 1897, and on the 31st day of December in each year thereafter, make to the township clerk a return according to the form given in schedule to this Act of all lines run by him in any of the aforesaid townships under the provisions of the above proviso.

18. The said Act is amended by adding thereto the following as section 52*a* :— Rev. Stat. c. 152, amended.

Proceedings where monuments or posts cannot be found in certain townships.

52*a*. Whenever an Ontario Land Surveyor is employed to run any boundary line of, or any dividing line or limit between any sections, quarter-sections, or other aliquot parts of any section in any of the following townships, namely: Any township in the Rainy River district subdivided into sections, in accordance with the "Dominion Lands" system of survey, and the following townships and parts of townships in the districts of Algoma and Rainy River, Rutherford, Salter, Victoria all that portion of Shedden south of the fourth concession, the townships of Spragge, Esten, Thompson, all that portion of Patton south of the third concession, the townships of Thessalon-river, Lefroy, Rose, Laird, Meredith, Macdonald, Tarentorus, Aweres, Vankoughnet, Awenge, Korah, Pennefather, Fenwick, sections 31 to 36, both inclusive, of the township of Havilland, the townships of Tilley, Park, Prince, Dennis, Kars, Fisher, Palmer, Herrick, Ryan, Blake, Crooks, Pardee, McIntyre, Macgregor, McTavish, Homer and Byron; and the post or monument planted, erected or marked in the original survey to define the corner of such section, quarter-section or other aliquot part cannot be found, he shall obtain the best evidence that the nature of the case admits of respecting such post or monument, but if the position of the same cannot be satisfactorily so ascertained he shall proceed as follows :—

(*a*) If the lost post or monument is that of a township corner, he shall report the circumstances of the case to the Commissioner of Crown Lands, who shall instruct him how to proceed;

(*b*) If the lost post or monument is that of a section or quarter-section corner on the boundary line of a township, he shall renew the same by joining the nearest original blazes, quarter-section or section corners on such boundary by a straight line, and shall give to each section or quarter-section a breadth proportionate to that shown on the original plan and field notes thereof, of record in the Department of Crown Lands, having first taken into account and made due allowance for any road or roads, if any, shewn on the said plan and field notes;

(*c*) If the lost post or corner is that of a section in the interior of a township, he shall renew the same by intersecting the straight lines joining the nearest original blazes, or original quarter-section or section corners, on the adjoining intersecting section boundaries. When the nearest section corner on any side of the lost post or monument is on a township boundary, and when that post or monument is lost, and also the intervening quarter-section posts or monuments, and when there are no original blazes between said corners, the

surveyor shall first renew the said section corner or corners on such township boundary in accordance with the provisions of the next preceding clause;

(*d*) If the lost post or corner is that of a quarter-section in the interior of a township, he shall renew the same by joining the nearest original blazes or adjacent section corners (determined, if necessary, as aforesaid), and shall give to each of the adjacent quarter-sections a breadth proportionate to that shewn on the original plan and field notes aforesaid;

(*e*) In laying out interior boundaries of half-sections or of quarter-sections he shall connect the opposite quarter-section corners (determined, if necessary, as aforesaid) by straight lines.

(*f*) In laying out interior boundaries of other aliquot parts of any section he shall give to such aliquot part its proportionate share of breadth and interior depth and connect the resulting terminal points by straight lines.

Rev. Stat. c. 152, s. 59, repealed.

19. Section 59 of the said Act is repealed and the following substituted therefor:—

Division lines to be run on same astronomic course as straight line joining front and rear ends of governing lines.

59. Every land surveyor employed to run any division line between lots, or any line required to run on the same astronomic course as any division line or side line in the concession in which the land to be surveyed lies, shall run such division line or side line on the same astronomic course (which he shall determine by astronomic observation or by other satisfactory method) as the straight line joining the front and rear ends of the governing boundary line of the concession or section, if so intended in the original survey, or at such angle therewith as is stated in the plan and field notes as aforesaid, which shall be deemed to be the true course of the said governing or boundary line for all the purposes of this Act, although such governing or boundary line as marked in the field be curved or deviate otherwise from a straight course, and if a line is to be run at any angle with a front line or other line which is not straight, the ends of such front or other line shall be joined as above provided.

Rev. Stat. c. 152, s. 62, amended.

20. Section 62 of the said Act is amended by striking out the word "and" in the second, ninth and twelfth lines thereof, and by inserting the words "and townships" immediately after the word "villages" in the said second, ninth and twelfth lines, and by striking out the clause commencing with the words "and all land surveyors" in the fifteenth line thereof, and ending with the words "in townships" in the nineteenth line thereof, and inserting in lieu thereof the following: "and all land surveyors employed in establishing or re-establishing the boundaries of any road, street, common, or lot, shewn on such plan, or on any registered plan in such city, town, village or township, or any part thereof, shall follow the

method adopted in making the original survey of the same, as shewn by the said plan, and shall give to each lot the exact or proportionate dimensions as shewn on said plan.

21. Section 1 of the Act passed in the 55th year of Her Majesty's reign, entitled *An Act to incorporate the Association of Ontario Land Surveyors and to amend the Act respecting Land Surveyors and the Survey of Lands* is hereby amended, by inserting the words "and shall continue to be registered" immediately after the word "registered" in the third line thereof. 55 V. c. 34, s. 1, amended.

22. Subsection 16 (*a*) of section 4 of the said Act is amended by inserting the words "the secretary-treasurer" immediately after the word "council" in the fifth line thereof. 55 V. c. 34, s. 4, subs. 16 (*a*), amended.

23. Subsection 2 of section 5 of the said Act is amended by striking out the words "registration fee" in the fourth line thereof, and inserting in lieu thereof the words "arrears of fees due to the Association by such person." 55 V. c. 34, s. 5, subs. 2, amended.

24. Section 5 of the said Act is further amended by adding thereto the following as subsection 3. 55 V. c. 34, s. 5, amended.

(3) The council may in their discretion suspend or dismiss from the association any member, and cause his name to be removed from the register, if such member has upon indictment been convicted of any crime by any court of competent jurisdiction. Suspension of members.

25. Section 6 of the said Act is amended by striking out the words "and the secretary of the board" in the fourth line thereof. 55 V. c. 34, s. 6, amended.

26. Section 7 of the said Act is amended by inserting after item (6), the following: 55 V. c. 34, s. 7, amended.

(7) By each apprentice with each transfer of articles as a fee for registering same, $2.

(8) By each applicant receiving a certificate to practice, being the fee for official notice in the *Ontario Gazette*, $1.

27. Subsection 4 of section 10 of the said Act is hereby amended by striking out the words "the operations of this Act" in the last line thereof, and inserting in lieu thereof the words "the payment of the annual membership fee to the Association." 55 V. c. 34, s. 10, subs 4, amended.

No. 138.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting Land Surveyors and the Survey of Lands.

First Reading, 23rd March, 1897.

Mr. GIBSON,
(Hamilton.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 139.] BILL. [1897.

An Act better to secure the Independence of the Legislative Assembly.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

No member to accept office under Crown while such or within a year after dissolution.

1. Except as provided in the *Act respecting the Legislative Assembly*, no person shall be eligible to be appointed to any office, commission or employment, permanent or temporary, in the service of the Government of Ontario, at the nomination of the Crown, or at the nomination of any of the members or officers of the Government of Ontario, to which any salary, fee, wages, allowance, emolument or profit of any kind is attached, while he is a member of the Legislative Assembly, or during the term for which he was elected, or until at least one year has elapsed since the dissolution of the Legislature of which he was a member.

No. 139.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act better to secure the Independence of the Legislative Assembly.

First Reading, 23rd March, 1897.

Mr. CURRIE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 140.] **BILL.** [1897.

An Act respecting Technical Schools.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Establishment of technical schools by high school boards.

1. The trustees of any high school may by resolution passed at a special meeting of the board called for the purpose (of which at least one month's notice shall be given in writing to each member thereof), establish a technical school or may change any high school already established into a technical school, providing that such resolution shall not take effect until ratified by a by-law of the municipality or municipalities comprising the high school district and also by the county council (if any) required by *The High Schools Act, 1896*, to contribute the equivalent of the Legislative grant towards the maintenance of such high school.

59 V. c. 71.

Technical instruction provided by high school boards.

2. Subject to the preceding subsection it shall be lawful for the trustees of any high school to provide instruction in the arts and sciences usually taught in technical schools, but particularly such arts and sciences as relate to the industries of the Province, the marketable value of the raw material used in manufactures; the chemistry of foods, dyes, and minerals. Instruction shall also be given in agriculture and domestic science, and in architecture mechanical drawing and decorative design, and such other related subjects as may be found necessary to render the labors of the farmer, the mechanic and the artisan more productive. The buildings to be used for technical school purposes shall be separate and distinct from the buildings used for high school purposes. Any pupil entitled to be admitted to a High School shall be entitled to admission to any technical school established as herein provided.

Provisions of 59 V. c. 71 to apply to technical schools subject to regulations of department.

3. The provisions of *The High Schools Act, 1896*, shall apply to Technical Schools, subject to any regulations of the Education Department with respect to the fees to be paid by pupils, the course of study, the qualifications of teachers, the use of text-books, and the equipment of the school. The conditions upon which money voted by the Legislature for high schools shall apply to all appropriations made to technical schools.

TECHNICAL SCHOOLS FOR ADULTS.

Establishment of technical schools for adults in cities and towns.

4. It shall be lawful for the municipal corporation of any city or town by by-law to appropriate such sums of money as may be deemed expedient for the establishment of a technical school for adults within the meaning of this Act. All the powers vested in the corporation by *The Municipal Act*, for the purchase or expropriation of lands or for leasing or repairing buildings or for the erection of new buildings for the use of the municipality, shall be applicable to this Act.

Grant to adult technical schools.

5. Towards the maintenance of such schools, there shall be paid annually, on the report of the Minister of Education, out of any moneys appropriated by the Legislature for that purpose, a sum not exceeding the amount payable for the maintenance of High School pupils under the regulations of the Education Department.

Board of management.

6. The general management and control of the school shall be vested in and exercised by a board of management to be appointed as provided in section 3 of *The Public Libraries Act, 1895*. In cities and towns in which a Public Library has been established under Part I. the said Act, Technical Schools for adults shall be under the management and control of the board of such library.

Powers of board.

7. The board shall have the power to appoint such teachers officers and servants as may be necessary for the purposes of the school, to fix their salaries and to assign them their several duties. For the payment of the salaries of the teachers, officers and servants, and for all other purposes of maintenance, the municipality shall have power to appropriate out of the general income of the municipality from any source whatever, such sums of money as the municipality may by by-law determine. The expenditure of the board of management shall be subject to the same audit as the expenditures of the municipality.

Expenses.

Regulations of Education Department.

8. The qualifications of the teachers employed in technical schools for adults, and all matters relating to the course of study and the equipment of the school, shall be subject to the regulations of the Education Department.

No. 140.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting Technical Schools.

First Reading, 24th March, 1897.

Mr. Ross.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 140.] BILL. [1897.

An Act respecting Technical Schools.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Establishment of technical schools by high school boards.

1. The trustees of any High School or any Board of Education may by resolution passed at a special meeting called for the purpose (of which at least one month's notice shall be given in writing to each member thereof), establish a technical school or may change any High School already established into a Technical School, providing that such resolution shall not take effect until ratified by a by-law of *each* municipality composing the High School district and also by the County Council (if any) required by *The High Schools Act, 1896*, to contribute the equivalent of the Legislative grant towards the maintenance of such High School. 59 V. c. 71.

Technical instruction provided by high school boards.

2. Subject to the preceding subsection it shall be lawful for the trustees of any High School or Board of Education to provide instruction in the arts and sciences usually taught in Technical Schools, but particularly such arts and sciences as relate to the industries of the Province, the marketable value of the raw material used in manufactures; the chemistry of foods, dyes, and minerals. Instruction shall also be given in agriculture and domestic science, and in architecture, mechanical drawing and decorative design, and such other related subjects as may be found necessary to render the labors of the farmer, the mechanic and the artisan more productive. The buildings to be used for Technical School purposes shall be separate and distinct from the buildings used for High School purposes. Any pupil *not* entitled to be admitted to a High School shall *not* be entitled to admission to any Technical School established as herein provided.

Provisions of 59 V. c. 71 to apply to technical schools subject to regulations of department.

3. The provisions of *The High Schools Act, 1896*, shall apply to Technical Schools, subject to any regulations of the Education Department with respect to the fees to be paid by pupils, the course of study, the qualifications of teachers, the use of text-books, and the equipment of the school. The conditions upon which money voted by the Legislature for High Schools shall apply to all appropriations made to Technical Schools.

TECHNICAL SCHOOLS FOR ADULTS.

Establishment of technical schools for adults in cities and towns.

4. It shall be lawful for the municipal corporation of any city or town by by-law to appropriate such sums of money as may be deemed expedient for the establishment of a Technical School for adults within the meaning of this Act. All the powers vested in the corporation by *The Municipal Act*, for the purchase or expropriation of lands or for leasing or repairing buildings or for the erection of new buildings for the use of the municipality, shall be applicable to this Act.

Grant to adult technical schools.

5. Towards the maintenance of such schools, there shall be paid annually, on the report of the Minister of Education, out of any moneys appropriated by the Legislature for that purpose, a sum not exceeding the amount payable for the maintenance of High School pupils under the regulations of the Education Department.

Board of management

6. The general management and control of the school *for adults* shall be vested in and exercised by a board of management to be appointed as provided in section 3 of *The Public Libraries Act, 1895*. In cities and towns in which a Public Library has been established under Part I. the said Act, Technical Schools for adults shall be under the management and control of the board of such library. Provided always that any Technical School already established under by-law of a municipality may be carried on under such by-law during the pleasure of the Municipal Council, subject to the Regulations of the Education Department.

Powers of board.

Expenses

7. The board or *the* trustees appointed under any by-law as in the preceding section (as the case may be) shall have the power to appoint such teachers officers and servants as may be necessary for the purposes of the school, to fix their salaries and to assign them their several duties. For the payment of the salaries of the teachers, officers and servants, and for all other purposes of maintenance, the municipality shall have power to appropriate out of the general income of the municipality from any source whatever, such sums of money as the municipality may by by-law determine. The expenditure of the board of management shall be subject to the same audit as the expenditures of the municipality.

8. The qualifications of the teachers employed in technical schools for adults, and all matters relating to the course of study and the equipment of the school, shall be subject to the regulations of the Education Department. Regulations of Education Department.

No. 140.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting Technical Schools.

First Reading, 24th March, 1897.
Second Reading, 31st March, 1897.

(*Reprinted as amended by Committee of the Whole*).

Mr. Ross.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 141] **BILL.** [1897

An Act respecting certain Lands forming part of the Property of the University of Toronto.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Preamble. Whereas by indenture dated the 15th day of September 1891, the Bursar of the University and Colleges at Toronto did demise and lease unto the Protestant Episcopal Divinity School Corporation certain lands in the City of Toronto forming part of the property known as University Park, and being lots 7 and 10 on a plan of a subdivision of part of said University Park, filed in the registry office of the city of Toronto as Plan "D. 18," to have and to hold the same for and during the full period of twenty-one years to be computed from the 1st day of July, 1881, at an annual rental of $125 ; and whereas by an indenture dated the 4th day of January, 1890, made, or purporting to be made, between Wycliffe College, or the said the Protestant Divinity School Corporation, of the first part, the Park Hospital Trustees, of the second part, and Her Majesty, the Queen, represented for the purposes of the said indenture by John Edward Berkeley Smith, the Bursar of the University and Colleges at Toronto, Wycliffe College, or the said the Protestant Divinity School Corporation, for and in consideration of the sum of $60,000 assigned, (or purported to assign) unto the said the Park Hospital Trustees, the said lease dated the 15th day of September, 1881, and the term thereby granted, together with the buildings upon the said lands, to hold for hospital and educational purposes only, in connection with the educational work of the Faculty of Medicine of the University of Toronto, subject to certain conditions: and whereas by an instrument purporting to be an indenture of lease, bearing date the 4th day of January, 1890, the said the Bursar of the University and Colleges at Toronto, did demise and lease (or

purported to demise and lease unto the said the Park Hospital Trustees, their successors and assigns, certain other lands and premises in the said city of Toronto, being lots 8 and 9 on the said plan "D. 18" to have and to hold the same subject to the conditions therein set forth for and during the full term of 999 years, to be computed from the 1st day of January, 1890, for the said hospital and educational purposes only, and paying therefor yearly and every year during the said term by way of rent, such fees as the Senate of the University of Toronto should from time to time require to be paid by students for the privileges of attending the said hospital for educational purposes; and whereas by an instrument purporting to be an indenture of mortgage dated the 1st day of May, 1890, the said Trustees mortgaged (or purported so to do) the leasehold premises included in the said lease of the 15th September, 1881, and the assignment thereof to the said Wycliffe College or the Protestant Divinity School Corporation, to secure the payment of $20,000 balance of purchase money, which mortgage or intended mortgage was subsequently assigned to, and is now held by the Canada Life Assurance Company; and whereas the object for which the said Trustees were incorporated was that they might receive and hold certain moneys given, or which might thereafter be given for the erection of a hospital in the city of Toronto in connection with the educational work of the Medical Faculty of the University of Toronto; and whereas the Honourable John MacDonald, late of the city of Toronto, merchant, deceased, by his last will and testament, did direct that the Trustees under his said will should, out of the proceeds of certain land to be sold by them after the death of the testator, pay to the Trustees of the Park Hospital, for the purpose of erecting a building, the sum of $100,000, and afterwards the said Honourable John MacDonald, in his lifetime, did pay the sum of $40,000, part of the sum of $100,000, to the trustees of the Park Hospital, for the purposes of the said Trust, but the remaining portion of the said bequest has failed, owing to the same having been invalid under the laws of mortmain; and whereas owing to the failure of the said bequest, and owing to the absence of public support and from other causes, the purpose for which the said Trustees were incorporated has failed, and there are no revenues available in the hands of the said Trustees to pay the principal and interest secured by the said mortgage, or the rent secured by the said indentures of lease hereinbefore in part recited, and it has become necessary to abandon the completion of the said scheme for the erection and maintenance of a hospital as aforesaid; and whereas the Senate of the University of Toronto has consented to the surrender and release of the said lots 8 and 9, hereinbefore more particularly described, to the Crown for the benefit of the said University;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lots 7, 8, 9, 10 on Plan D is vested in the Crown.

1. The land in the preamble to this Act described being all and singular those certain parcels or tracts of land and premises situate, lying and being in the city of Toronto, in the Province of Ontario, being part of what is known as University Park in the said city, which Park was originally composed of the north halves of Park lots numbers 11, 12 and 13, in the first concession from the Bay, in the Township of York, and which said pieces or parcels of land may be more particularly described as lots Nos. 7, 8, 9 and 10, on a plan of a subdivision of University Park, a copy of which plan is filed in the registry office of the city of Toronto as plan "D. 18," together with all the rights, members and appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, benefit of renewal, claim or demand whatsoever, whether at law or in equity, which the Park Hospital Trustees or any other person or corporation may have or can claim, under and by virtue of the said recited indentures or otherwise howsoever, in, to or out of the said lands and premises, are hereby vested absolutely in Her Majesty the Queen, Her heirs and successors, in trust for the purposes of the University of Toronto and University College, subject to the provisions of the Acts respecting the property of the said University of Toronto and University College.

No. 141.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL:

An Act respecting certain Lands forming part of the Property of the University of Toronto.

First Reading, 24th March, 1897.

Mr. Ross.

TORONTO.

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 142.] BILL. [1897.

An Act to amend The Act respecting Companies for Steam and Heating, and for supplying Electricity for Light, Heat or Power.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Section 3 of *The Act respecting Companies for Steam and Heating, and for supplying Electricity for Light, Heat or Power*, is amended by inserting therein after the figures "97" in the first line, the words and figures "and sections 98 to 106." Rev. Stat c. 165, s. 3, amended.

No. 142.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Act respecting Companies for Steam and Heating, and for supplying Electricity for Light, Heat or Power.

First Reading, 24th March, 1897.

Mr. AULD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 143.] **BILL.** [1897.

An Act to amend the Act respecting Joint Stock Companies for the Construction of Piers, Wharves, Dry Docks and Harbours.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 161, ss. 1-3, repealed.

1. Proceedings for the incorporation of companies for the construction of piers, wharves, dry docks and harbours shall hereafter be taken under *The Ontario Joint Stock Companies' Letters Patent Act*, (or other Act which may be substituted therefor during the present session of the Legislature) and sections 1 to 3, inclusive, of the Revised Statutes of Ontario, chapter 161, are hereby repealed and the following substituted therefor:

Incorporation of companies.

1. Any company heretofore or hereafter incorporated for the purpose of constructing a pier or wharf, or for dredging or deepening or making a harbour, or for the erection of a dry dock and marine railway connected therewith, shall be subject to the provisions of this Act and of *The Ontario Joint Stock Companies' Letters Patent Act* (or other Act which may be substituted therefor during the present session of the Legislature), so far as the provisions of the latter Act are applicable and consistent with those of this Act: Provided always, that the Lieutenant-Governor in Council may relieve any company heretofore incorporated under this Act from compliance with any of the provisions of the said *Ontario Joint Stock Companies' Letters Patent Act* (or other Act substituted therefor as aforesaid) as may be deemed expedient.

2. No such company shall be incorporated until stock has been subscribed to an amount sufficient to complete the work contemplated.

Rev. Stat. c. 161, ss. 6-18 and ss. 20 and 21, repealed.

2. Sections 6 to 18 inclusive, and sections 20 and 21 of the said chapter 161 of the Revised Statutes of Ontario, 1887, are hereby repealed.

Rev. Stat. c. 161, s. 23, amended.

3. The following is hereby added to section 23 of the said chapter 161 as sub-section 2 thereof:

Revision of tolls.

(2) The said tolls or charges may at any time, or from time to time be changed or revised by the Lieutenant-Governor in Council, and due notice of such change or revision shall be given by publication thereof in *The Ontario Gazette.*

Commencement of Act.

4. This Act shall take effect on and after the 1st day of July, 1897.

No. 143.

3rd Session, 8th Legislature, 60 Vict., 1897

BILL.

An Act to amend the Act respecting Joint Stock Companies for the construction of Piers, Wharves, Dry Docks and Harbours.

First Reading, 24th March, 1897.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 143.] **BILL.** [1897.

An Act to amend the Act respecting Joint Stock Companies for the Construction of Piers, Wharves, Dry Docks and Harbours.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 161, ss. 1-3, repealed.

1. Proceedings for the incorporation of companies for the construction of piers, wharves, dry docks and harbours shall hereafter be taken under *The Ontario Joint Stock Companies' Letters Patent Act*, (or *such* other Act (*if any*) *as* may be substituted therefor during the present session of the Legislature) and sections 1 to 3, inclusive, of the Revised Statutes of Ontario, chapter 161, are hereby repealed and the following substituted therefor:

Incorporation of companies.

1. Any company heretofore or hereafter incorporated for the purpose of constructing a pier or wharf, or for dredging or deepening or making a harbour, or for the erection of a dry dock and marine railway connected therewith, shall be subject to the provisions of this Act and of *The Ontario Joint Stock Companies' Letters Patent Act* (or other Act which may be substituted therefor during the present session of the Legislalature), so far as the provisions of *such* Acts are applicable and consistent with those of this Act ☞ and every such company hereafter incorporated shall be incorporated under the said *Ontario Joint Stock Companies Letters Patent Act*:☜ Provided always, that the Lieutenant-Governor in Council may relieve any company heretofore incorporated under this Act from compliance with any of the provisions of the said *Ontario Joint Stock Companies' Letters Patent Act* (or other Act substituted therefor as aforesaid) as may be deemed expedient.

2. No such company shall be incorporated until stock has been subscribed to an amount *deemed* sufficient to complete the work contemplated.

Rev. Stat. c. 161, ss. 6-18 and ss. 20 and 21, repealed.

2. Sections 6 to 18 inclusive, and sections 20 and 21 of the said chapter 161 of the Revised Statutes of Ontario, 1887, are hereby repealed.

Rev. Stat. c. 161, s. 23, amended.

3. The following is hereby added to section 23 of the said chapter 161 as sub-section 2 thereof:

Revision of tolls.

(2) The said tolls or charges may from time to time be changed or revised by the Lieutenant-Governor in Council, and due notice of such change or revision shall be given by publication thereof in *The Ontario Gazette*.

Commencement of Act.

4. This Act shall take effect on and after the 1st day of July, 1897.

No. 143.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend the Act respecting Joint Stock Companies for the construction of Piers, Wharves, Dry Docks and Harbours.

First Reading, 24th March, 1897.
Second Reading, 2nd April, 1897.

(Reprinted as amended in Committee of the Whole House.)

The Attorney-General.

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 144.] BILL. [1897.

An Act to amend the Act respecting Joint Stock Companies for the erection of Exhibition Buildings.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Proceedings for the incorporation of companies for the erection of exhibition buildings shall hereafter be taken under *The Ontario Joint Stock Companies' Letters Patent Act* (or any Act which may be substituted therefor during the present Session of the Legislature) and sections 1 to 12 inclusive of chapter 162 of the Revised Statutes are hereby repealed, and the following substituted therefor :— Rev. Stat. c. 162, ss. 1-12 repealed.

1. Any company heretofore or hereafter incorporated under this Act for the purpose of purchasing and holding lands and erecting suitable buildings thereon for the holding of periodical fairs or exhibitions for agricultural purposes, shall be subject to the provisions of this Act, and also to those of *The Ontario Joint Stock Companies' Letters Patent Act* (or other Act substituted therefor as aforesaid) so far as the provisions of such latter Act are applicable and consistent with those of this Act: Provided always that the Lieutenant-Governor in Council may relieve any company heretofore incorporated under this Act from compliance with any of the provisions of the said *Ontario Joint Stock Companies' Letters Patent Act* (or other Act substituted therefor as aforesaid) as may be deemed expedient. Companies to be subject to Joint Stock Companies' Letters Patent Act.

2. No such company shall be incorporated Conditions to be complied with prior to incorporation.

(*a*) Until such stock has been subscribed to the amount required for the purchase of the ground necessary for a building to be used for the purposes afore-

said, and the erection of such building thereon, and for the purchase of the additional ground required for the holding of agricultural fairs or exhibitions;

(*b*) Nor until 25 per cent. of the capital stock intended to be raised for the purposes aforesaid has been paid.

Power to hold land.

3. Any company so incorporated shall be capable of taking, purchasing, having and holding any piece or parcel of land, not containing more than 100 acres in all, required for the purpose of such building, and for holding such fairs or exhibitions as aforesaid.

Rev. Stat. c. 162, ss. 14-17, repealed.

2. Sections 14 to 17, inclusive, of chapter 162 of the Revised Statutes are hereby repealed.

No. 144.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend the Act respecting Joint Stock Companies for the erection of Exhibition Buildings.

First Reading, 24th March, 1897.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 145.] **BILL.** [1897.

An Act to amend The Wills Act of Ontario.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 20 of *The Wills Act of Ontario* is hereby repealed and the following substituted therefor:— Rev. Stat. c. 109, s. 20, repealed.

20. Every will shall be revoked by the marriage of the testator except in the following cases, namely:— Will revoked by marriage,—exceptions.

(a) Where it is declared in the will that the same is made in contemplation of such marriage.

(b) Where the wife or husband of the testator elects to take under the will.

(c) Where the will is made in the exercise of a power of appointment and the real or personal estate thereby appointed would not, in default of such appointment, pass to the testator's heir, executor or administrator, or the person entitled as the testator's next of kin under *The Statute of Distributions*.

No. 145.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Wills Act of Ontario.

First Reading, 24th March, 1897.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 146.] **BILL.** [1897.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

55 V. c. 42, s. 277, amended.

Time for making declarations of office, etc.

1. Section 277 of *The Consolidated Municipal Act, 1892*, is amended by striking out the word "twenty" in the fourth line thereof and substituting therefor the word "thirty."

No. 146.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Municipal Act.

First Reading, 25th March, 1897.

Mr. KERNS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 147.] **BILL.** [1897.

An Act to amend The Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Section 70 of *The Registry Act, 1893*, is amended by adding after section 70 the following subsection as subsection 4 of section 70: 56 V. c. 21, s. 70, amended.

(4) After a will has been registered in the manner hereinbefore provided in one registry division, such will may be registered in any other registry division by the deposit of a copy thereof certified under the hand and seal of the registrar of the division in which such first mentioned registration took place, to be a true copy of the will as recorded in the said registry office. Subsequent registration of will in other registry divisions.

No. 147.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Registry Act.

First Reading, 25th March, 1897.

Mr. MATHESON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 148.] BILL. [1897.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

59 V. c. 58, s. 10, amended.

Powers of local municipalities as to tax sales.

1. Section 10 of *The Assessment Amendment Act, 1896*, is hereby amended by striking out the words "Townships of York, Scarboro and Etobicoke" in the 5th and 6th lines of the said section, and inserting in lieu thereof the words "all local municipalities," and by striking out the word "townships" wherever it occurs in the said section and inserting in lieu thereof the words "local municipalities."

No. 148.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Assessment Act.

First Reading, 25th March, 1897.

Mr. RICHARDSON.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 149.] BILL. [1897.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 42, s. 460, amended.

1. Section 460 of *The Consolidated Municipal Act, 1892*, is hereby amended by inserting therein, between subsections 3 and 4 thereof the following subsections:—

Power to take lands and personalty from persons admitted to house of industry or house of refuge.

(3*a*) The council may accept deeds, conveyances and transfers of any real or personal property belonging to such persons as may from time to time be admitted as inmates of such house of industry or house of refuge, and upon execution of such deed, conveyance or transfer such real or personal property shall become vested in the corporation of the municipality accepting the same, and the proceeds derived from any sale or lease of any real estate so conveyed or granted, or any personal property transferred to such municipality, shall be applied towards the support and maintenance of the person executing such conveyance, deed or transfer. Provided that if the entire proceeds of any property conveyed, granted or transferred as aforesaid, shall not be required for the maintenance of such person, the portion of the same not required for such maintenance shall be applied by the municipality for the general benefit of such house of industry or house of refuge.

Power to sell.

(3*b*) Any municipality accepting deeds, conveyances or transfers under the preceding subsection hereof, may sell or otherwise dispose of any property so accepted by such municipality, on such terms and in such manner as may be deemed expedient by the council of such municipality.

Deeds, etc., heretofore taken confirmed.

(3*c*) All deeds, conveyances or transfers of any real or personal property heretofore made by any person while an inmate of any such house of industry or house of refuge to the municipality having and maintaining the same, are hereby ratified and confirmed, and declared to be valid and binding to all intents and purposes, and the municipality accepting such deeds, conveyances or transfers are hereby declared to have the same powers with reference to the property so accepted by them as if such deeds, conveyances or transfers had been made subsequent to the passing of this Act.

No. 149.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Municipal Act.

First Reading, 25th March, 1897.

Mr. RICHARDSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 150.] **BILL.** [1897.

To amend The Municipal Arbitrations Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 7 of *The Municipal Arbitrations Act* is amended by striking out the words "filing thereof" in the third line of said section and inserting in lieu thereof the following words, "taking up of the same." 58 V. c. 43, s. 7, amended.

The section amended will now read as follows:—

7. The award of the official arbitrator shall be binding and conclusive upon all parties thereto unless appealed from within one month after the taking up of the same to the Court of Appeal. The award may be appealed against to the Court of Appeal in the same manner as the decision of a judge of the High Court is appealed from. When award of arbitrator to become binding. Appeal.

No. 150.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

To amend The Municipal Arbitrations Act.

First Reading, 25th March, 1897.

Mr. HOWLAND.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 151.] **BILL.** [1897.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Consolidated Municipal Act, 1892*, is amended by adding thereto the following section: 55 V. c. 42, amended.

520c. The council of every city having a population of 100,000 and over may include in the annual estimates a sum not exceeding $500, to be expended in diffusing information respecting the advantages of the city as a manufacturing, business, educational and residential centre, and as a desirable place in which to spend the summer months. Cities of 100,000, authorized to make appropriation for giving information as to cities.

2. Section 436 of the said Act is amended by striking out the word "regularly" in the 5th line thereof, and inserting the words "kept or" in lieu thereof. 55 V. c. 42, s. 436, amended.

As amended, subsection 1 of section 436, will read as follows:

436.—(1) The board of commissioners of police shall in cities, license and regulate second hand stores and junk stores and shall also, in cities, regulate and license the owners of livery stables, and of horses, cabs, carriages, carts, trucks, sleighs, omnibuses and other vehicles kept or used for hire within the said city whether such owners are resident or non-resident therein, and shall establish the rates of fare to be taken by the owners or drivers of such vehicles, for the conveyance of goods or passengers, either wholly within the limits of the city, or from any point within the city to any other point not more than three miles beyond the said limits, and may provide for enforcing payment of such rates, and for such purposes shall pass by-laws and enforce the same in the manner, and to the extent in which any by-law to be passed under the authority of this Act may be enforced. R. S. O. c. 184, s. 436 (1). Powers of police commissioners as to licensing junk shops, livery stables, etc.

No. 151.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Municipal Act.

First Reading, 25th March, 1897.

Mr. HOWLAND.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 152.] BILL. [1897.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 49 of *The Consolidated Assessment Act, 1892*, is amended by striking out the form of affidavit or solemn declaration therein contained and inserting the following in lieu thereof:— 55 V. c. 48, s. 49, amended.

I, (*name and residence*), make oath and say (*or* solemnly swear and affirm)

1. That I have, according to the best of my information and belief, set down in the above assessment roll all the real property liable to taxation situate in the municipality (or ward) of (as the case may be); and I have justly and truly assessed each of the parcels of real property so set down at its actual cash value as it would be appraised in payment of a just debt from a solvent debtor and as prescribed by law. Oath of assessor on completion of roll.

[*And in the case of properties to be assessed under section 28 of this Act, unless the council by by-law otherwise provides, add.*

Except ground *bona fide* enclosed and used as a paddock, park, lawn, garden or pleasure ground, which I have assessed at a valuation which, at six per centum, would yield a sum equal to its annual rental for the purposes for which it is used.]

[*And in the case of vacant ground in cities, towns and villages, assessed under section 27 of this Act, add.*

Except vacant ground and ground used as a farm, garden or nursery, and not in immediate demand for building purposes, which I have assessed according to the value prescribed by law.]

2. That the said assessment roll contains a true statement of the aggregate amount of the personal property, or of the taxable income, of every party named on the said roll and that I have estimated and set down the same according to the best of my information and belief;

3. That I have entered thereon the names of all the resident householders, tenants and freeholders, and of all other persons who have required their names to be entered thereon, with the true amount of property occupied or owned, or of income received by each, and that I have not entered the name of any person whom I do not truly believe to be a householder, tenant or freeholder, or the *bona fide* occupier or owner

of the property, or in receipt of the income set down opposite his name, for his own use and benefit or otherwise to be entitled by law to be so entered ;

4. That according to the best of my knowledge and belief, I have entered thereon the name of every person entitled to be entered either under this Act or *The Manhood Suffrage Act*, or any Act amending either of the said Acts, and that I have not intentionally omitted from said roll the name of any person whom I knew or had good reason to believe, was or is entitled to be entered thereon under any or either of the said Acts ; and I further say, that the date of delivery or transmitting the notice required by section 47 of this Act is in every case truly and correctly stated in said roll ;

5. And I further say, that I have not entered the name of any person at too low a rate in order to deprive such person of a vote, or at too high a rate in order to give such person a vote ; and that the amount for which each such person is assessed upon the said roll truly and correctly appears in the said notice delivered and transmitted to him as aforesaid ;

6. I further say, that I have not entered any name in the above roll, or improperly placed any letter or letters in column 4, opposite any name, with intent to give to any person not entitled to vote, a right of voting ; and that I have not intentionally omitted from the said roll the name of any person whom I believe entitled to be placed thereon, nor have I, in order to deprive any person of a right of voting, omitted from column 4 opposite the name of such person, any letter or letters which I ought to have placed there.

Sworn (*or* solemnly declared and affirmed) before me at , of in the county of , this day of , A.D. 18 ."

No. 152

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend the Assessment Act.

First Reading, 26th March, 1897.

Mr. GIBSON,
(Huron).

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 153.] BILL. [1897.

An Act to amend The General Road Companies Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 159, ss. 3-6 repealed.

1. Proceedings for the incorporation of companies for the construction or purchase of roads and other works shall hereafter be taken under *The Ontario Joint Stock Companies' Letters Patent Act* (or any Act which may be substituted therefor during the present session of the Legislature) and sections 3 to 6 inclusive of *The General Road Companies' Act*, are hereby repealed and the following substituted therefor:—

Mode and objects of incorporation.

3. The Lieutenant-Governor may, by Letters Patent, under the Great Seal grant a charter under *The Ontario Joint Stock Companies' Letters Patent Act* (or any Act which may be substituted therefor during the present session of the Legislature) incorporating a company,

(*a*) For the purpose of constructing on, along, or over any public road or highway, or allowance for road, or on, along or over any other land a planked, macadamized, gravelled or other road not less than two miles in length, and also any bridges, piers, or wharves connected therewith, or

(*b*) For the purpose of purchasing any such road, and any bridges, piers, or wharves connected therewith.

4.—(1) No company shall be so incorporated

No company to be incorporated until sufficient stock subscribed.

(*a*) Until stock has been subscribed for to an amount sufficient to construct or purchase as the case may be the entire road and works for the construction or purchase of which the incorporation of the company is sought,

(*b*) Nor until the subscribers for stock or some of them have paid on account of the shares subscribed for by them ten per cent. of the amount of the proposed capital stock.

Company to be subject to Joint Stock Companies Letters Patent Act.

5. Every company heretofore or hereafter incorporated under this Act shall be subject to *The Ontario Joint Stock Companies' Letters Patent Act* (or any Act which may be substituted therefor during the present session of the Legislature) so far as the provisions of such latter Act are applicable and consistent with those of this Act: Provided always that the Lieutenant-Governor-in-Council may relieve any company heretofore incorporated under this Act from compliance with any of the provisions of the said *Ontario Joint Stock Companies' Letters Patent Act* (or other Act substituted therefor as aforesaid) as may be deemed expedient.

Rev. Stat. c. 159, ss. 30 and 31 repealed.

2. Sections 30 and 31 of *The General Road Companies' Act*, are hereby repealed, and the following sections substituted therefor:—

By-laws for widening or altering roads.

30. Whenever the directors are of opinion that it is desirable to widen, extend, or alter the line of road or projected line of road, or to construct a side road to intersect the original main road, or to improve or repair a road or part thereof by substituting stone, gravel, plank, or other suitable material, or that the original capital subscribed is not sufficient to complete the work for the construction of which the company was incorporated, the directors may from time to time but subject to the acquired rights of any other company then incorporated under this or any other Act, by by-law provide for the widening, extending or altering of such line of road or projected line of road, or for the construction of such side roads, and the making of such improvements and repairs.

Rev. Stat. c. 159, s 32, amended.

3. Section 32 of the said Act is hereby amended by striking out all the words of said section from the beginning thereof down to and inclusive of the word "increased" in the third line thereof, and by substituting therefor the following words: "Any by-law for the increase of the capital stock of the company shall set forth the manner in which the same is to be increased."

Rev. Stat. c. 159, ss 33-59 and 53 V. c 42, s. 12, repealed.

4. Sections 33 to 59 inclusive, together with schedules A and B of the said Act, and section 12 of the Act passed in the fifty-third year of Her Majesty's reign and chaptered 42 are hereby repealed.

Rev. Stat. c. 159, s. 60, amended.

5. Section 60 of the said *General Road Companies' Act* is hereby amended by striking out all the words therein from the beginning down to and inclusive of the word "road" in the fourth line thereof and substituting the following: "It shall be lawful for any company heretofore or hereafter incorpor-

ated for constructing a road, to sell the road and works constructed by them to any company heretofore or hereafter incorporated for purchasing a road."

6. Sections 61, 62 and 63 of the said Act are hereby repealed, and the following substituted therefor :— Rev. Stat. c. 159, ss. 61-63, repealed.

61. In case the shareholders representing or holding at least two-thirds of the capital stock of any two or more companies formed for the construction or purchase of roads intersecting or contiguous to each other consent by a resolution to that effect adopted at a general meeting of the shareholders of each company specially called for that purpose, to the union of such companies, the directors of such companies may petition the Lieutenant-Governor through the Provincial Secretary, for the issue of supplementary letters patent for the incorporation of the said companies as a united company by such name and on such terms as may seem meet. Union of companies.

62. All the roads, estate, property and effects with the rights and privileges of such two or more companies shall after the issue of such supplementary letters patent be vested in and be used and enforced by the united company designated in such supplementary letters patent, and such company shall also be subject to and responsible for all debts, contracts and liabilities of the former companies. Rights and liabilities of company formed by union.

7. Section 87 of the said Act and section 7 of the Act passed in the fifty-eighth year of Her Majesty's reign, and chaptered 31 are hereby repealed, and the following substituted therefor :— Rev. Stat. c. 159, s. 87, and 58 V. c. 31, s. 7, repealed.

87.—(1) Where a toll road is intersected by or connected with another toll road not owned by or in the possession of the same company or municipal corporation, the tolls to be charged upon either of the said roads from the point of intersection or connection shall be based upon the mileage of the road from the point of intersection or connection to its termination in the direction in which the person liable for toll is proceeding, and shall be calculated at the rate per mile charged by the company for travelling along the entire length of its road. Tolls on intersecting roads.

(2) It shall be incumbent upon such person to produce a ticket from the last toll gate on the intersecting or connecting road as evidence of his having travelled only from the intersection or connection.

No. 153.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The General Road Companies Act.

First Reading, 26th March, 1897.

Mr. DAVIS.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 153.] BILL. [1897.

An Act to amend The General Road Companies Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 159, ss. 3-6 repealed.

1. Proceedings for the incorporation of companies for the construction or purchase of roads and other works shall hereafter be taken under *The Ontario Joint Stock Companies' Letters Patent Act* (or *such other* Act (*if any*) *as* may be substituted therefor during the present session of the Legislature) and sections 3 to 6 inclusive of *The General Road Companies' Act*, are hereby repealed and the following substituted therefor:—

Mode and objects of incorporation.

3.—(1) The Lieutenant-Governor may, by Letters Patent, under the Great Seal grant a charter incorporating a company under *The Ontario Joint Stock Companies' Letters Patent Act* (or any Act which may be substituted therefor during the present session of the Legislature),

(*a*) For the purpose of constructing on, along, or over any public road or highway, or allowance for road, or on, along or over any other land a planked, macadamized, gravelled or other road not less than two miles in length, and also any bridges, piers, or wharves connected therewith, or

(*b*) For the purpose of purchasing any such road, and any bridges, piers, or wharves connected therewith.

(2) Every company so incorporated shall be subject to the provisions of the said *Ontario Joint Stock Companies' Letters Patent Act*, so far as the same are applicable and consistent with this Act.

4.—(1) No company shall be so incorporated

No company to be incorporated until sufficient stock subscribed.

(*a*) Until stock has been subscribed for to an amount *deemed* sufficient to construct or purchase as the case may be the entire road and works for the construction or purchase of which the incorporation of the company is sought,

(*b*) Nor until the subscribers for stock or some of them have paid on account of the shares subscribed for ten per cent. of the *entire* amount of the proposed capital stock.

Company to be subject to Joint Stock Companies Letters Patent Act.

5. Every company heretofore incorporated under any former general Act relating to joint stock road companies shall be subject to *The Ontario Joint Stock Companies' Letters Patent Act* (or any Act which may be substituted therefor during the present session of the Legislature) so far as the provisions of such Act are applicable and consistent with those of this Act: Provided always that the Lieutenant-Governor in Council may relieve any company heretofore incorporated under this Act from compliance with any of the provisions of the said *Ontario Joint Stock Companies' Letters Patent Act* (or other Act substituted therefor as aforesaid) as may be deemed expedient.

Rev. Stat. c. 159, ss. 30 and 31 repealed.

2. Sections 30 and 31 of *The General Road Companies' Act*, are hereby repealed, and the following sections substituted therefor:—

By-laws for widening or altering roads

30. Whenever the directors are of opinion that it is desirable to widen, extend, or alter the line of road *as* projected *or constructed* or to construct a side road to intersect the original main road, or to improve or repair a road or part thereof by substituting stone, gravel, plank, or other suitable material, or the directors may from time to time but subject to the acquired rights of any other company then incorporated under this or any other Act, by by-law provide for the widening, extending or altering of such line of road or for the construction of such side roads, and the making of such improvements and repairs.

Rev. Stat. c. 159, ss. 33-59 and 53 V. c. 42, s. 12, repealed.

3. Sections 32 to 59 inclusive, together with schedules A and B of the said Act, and section 12 of the Act passed in the fifty-third year of Her Majesty's reign and chaptered 42 are hereby repealed.

Rev. Stat. c. 159, s. 60, amended.

4. Section 60 of the said *General Road Companies' Act* is hereby amended by striking out all the words therein from the beginning down to and inclusive of the word "road" in the fourth line thereof and substituting the following: "It shall be lawful for any company heretofore or hereafter incorpor-

ated for constructing a road, to sell the road and works constructed by them to any company heretofore or hereafter incorporated for purchasing a road."

5. Sections 61, 62 and 63 of the said Act are hereby repealed, and the following substituted therefor :— Rev. Stat. c. 159, ss 61-63, repealed.

61. In case the shareholders representing or holding at least two-thirds of the capital stock of any two or more companies formed for the construction or purchase of roads intersecting or contiguous to each other consent by a resolution to that effect adopted at a general meeting of the shareholders of each company specially called for that purpose, to the union of such companies, the directors of such companies may petition the Lieutenant-Governor through the Provincial Secretary, for the issue of supplementary letters patent for the incorporation of the said companies as a united company by such name and on such terms as may seem meet. Union of companies

62. All the roads, estate, property and effects with the rights and privileges of such two or more companies shall after the issue of such supplementary letters patent be vested in and be used and enforced by the united company designated in such supplementary letters patent, and such company shall be subject to and responsible for all debts, contracts and liabilities of the former companies. Rights and liabilities of company formed by union.

6. Section 87 of the said Act and section 7 of the Act passed in the fifty-eighth year of Her Majesty's reign, and chaptered 31 are hereby repealed, and the following substituted therefor :— Rev. Stat c. 159, s. 87, and 58 V. c 31, s. 7, repealed.

87.—(1) Where a toll road is intersected by or connected with another toll road not owned by or in the possession of the same company or municipal corporation, the tolls to be charged upon either of the said roads from the point of intersection or connection shall be based upon the mileage of the road from the point of intersection or connection to its termination in the direction in which the person liable for toll is proceeding, and shall be calculated at the rate per mile charged by the company for travelling along the entire length of its road. Tolls on intersecting roads.

(2) It shall be incumbent upon such person to produce a ticket from the last toll gate on the intersecting or connecting road as evidence of his having travelled only from the intersection or connection.

No. 153.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The General Road Companies Act.

First Reading, 26th March, 1897.
Second Reading, 31st March, 1897.

(*Reprinted as amended in Committee of the Whole House*)

Mr. DAVIS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 154.] **BILL.** [1897.

An Act to amend the Act respecting Cemetery Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 175, ss. 1 (1) and 2 and 3 repealed.

1. Proceedings for the incorporation of cemetery companies shall hereafter be taken under *The Ontario Joint Stock Companies Letters Patent Act* (or any Act which may be substituted therefor during the present session of the Legislature), and subsection 1 of section 1 and sections 2 and 3 of chapter 175 of the Revised Statutes of Ontario, 1887, are hereby repealed and the following substituted therefor:—

Companies to be subject to the Joint Stock Companies Letters Patent Act.

1. Every company heretofore or hereafter incorporated under this Act shall be subject to the provisions of this Act, and shall also be subject to the provisions of *The Ontario Joint Stock Companies Letters Patent Act* (or other Act substituted therefor as aforesaid), so far as the provisions of the latter Act are applicable and consistent with those of this Act: Provided always that the Lieutenant-Governor-in-Council may relieve any company heretofore incorporated under this Act from compliance with any of the provisions of the said *Ontario Joint Stock Companies Letters Patent Act* (or other Act substituted therefor as aforesaid) as may be deemed expedient.

Rev. Stat. c. 175, ss. 22-26 and 29 repealed.

2. Sections 22 to 26 inclusive and section 29 of said chapter 175 are hereby repealed.

Commencement of Act.

3. This Act shall take effect on and after the first day of July, 1897.

No. 154.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend the Act respecting Cemetery Companies.

First Reading, 26th March, 1897.

THE ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 154.] **BILL.** [1897.

An Act to amend the Act respecting Cemetery Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Proceedings for the incorporation of cemetery companies shall hereafter be taken under *The Ontario Joint Stock Companies Letters Patent Act* (or such other Act (if any) as may be substituted therefor during the present session of the Legislature), and subsection 1 of section 1 and sections 2 and 3 of chapter 175 of the Revised Statutes of Ontario, 1887, are hereby repealed and the following substituted therefor:— Rev. Stat. c. 175, ss. 1 (1) and 2 and 3 repealed.

1. Every company heretofore or hereafter incorporated for the purpose of establishing one or more public cemeteries shall be subject to the provisions of this Act, and shall also be subject to the provisions of *The Ontario Joint Stock Companies Letters Patent Act* (or other Act substituted therefor as aforesaid), so far as the provisions of the latter Act are applicable and consistent with those of this Act; Provided always that the Lieutenant-Governor-in-Council may relieve any company heretofore incorporated under this Act from compliance with any of the provisions of the said *Ontario Joint Stock Companies Letters Patent Act* (or other Act substituted therefor as aforesaid) as may be deemed expedient. No such cemetery shall be established within the limits of any town or city or, except as hereafter provided, within the limits of any incorporated village; nor shall any such company be incorporated Companies to be subject to the Joint Stock Companies Letters Patent Act.

(*a*) Until stock has been subscribed to an amount deemed sufficient for the purchase of the ground for such cemetery or c meteries

"(*b*) Nor until 25 per cent. of the proposed capital has been paid."

Rev. Stat. c. 175, ss. 22-26 and 29 repealed.

2. Sections 22 to 26 inclusive and section 29 *and 30* of said chapter 175 are hereby repealed.

Commencement of Act.

3. This Act shall take effect on and after the first day of July, 1897.

No. 154.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend the Act respecting Cemetery Companies.

First Reading, 26th March, 1897.
Second Reading, 5th April, 1897.

(Reprinted as amended in Committee of the Whole House.)

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 155.] **BILL.** [1897.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 42, s. 550, subs. 1, amended.

1. Subsection 1 of section 550 of *The Consolidated Municipal Act, 1892*, is amended by inserting after the word "diverting" in the section line thereof the words "leasing" "selling."

No. 155.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Municipal Act.

First Reading, 29th March, 1897.

Mr. CHAPPLE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 156.] BILL. [1897.

An Act to amend The Game Protection Act, 1896.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

59 V. c. 68, s. 2, subs. 8, repealed.

Indians and settlers hunt-deer.

1. Subsection 8 of section 2 of this Act passed in the 59th year of Her Majesty's reign, chaptered 68, is hereby repealed and the following substituted therefor:

The provisions of this Act shall not apply to Indians or to settlers in unorganized townships or territory or organized townships of this Province with regard to any deer killed, provided that such killing by settlers is limited to a distance of fifteen miles from their usual permanent residence.

No. 156.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Game Protection Act, 1896.

First Reading, 29th March, 1897.

Mr. CARNEGIE.

TORONTO
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 157.] **BILL.** [1897.

An Act to regulate Maternity Boarding Houses and for the Protection of Infant Children.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law bringing Act into force.

1. The council of any municipality may by by-law declare that from and after the passing of such by-law, this Act shall be in force in such municipality, and thereupon, and not otherwise, the following sections of this Act shall take effect and be in force therein.

Maternity boarding houses not to be kept unless licenseed.

2. It shall not be lawful for any person to retain or receive for hire or reward any woman or girl for accouchement, or to keep women or girls (being mothers of infants and not being married) with infants for board or lodging, or to keep a maternity boarding house except in a house which has been registered as herein provided.

Home for infant children not to be kept unless registered.

3. Nor shall it be lawful for any person to retain or receive for hire or reward more than one infant, and in case of twins more than two infants, under the age of one year, for the purpose of nursing or maintaining such infants, for a longer period than twenty-four hours, except in a house which has been registered as herein provided.

Register of maternity boarding houses and infants' homes.

4. The board of health of every municipality or any officer specially appointed for that purpose shall keep a register of the names of persons applying to register for the purposes of this Act, and therein shall cause to be registered the names and house of every person so applying and the situation of the house: and the board or officer shall from time to time make by-laws or regulations for fixing the number of women or girls or infants who may be received into any and every house so

registered. The registration shall remain in force for one year. A fee of not more than ten dollars shall be charged for registration. Every person who receives or retains any woman or girl or infant in contravention of the provisions of this Act shall be guilty of an offence against this Act.

Discretion as to registration.

5. The board of health or municipal officer may refuse to register any house unless satisfied that the house is suitable for the purposes for which it is to be registered, and unless satisfied by the production of certificates that the person applying to be registered is of good character and able to maintain, keep and properly lodge such women or girls or infants.

Register to be kept by keeper of boarding house or home.

6. The person registered as aforesaid shall immediately enter in a register to be kept by him the name and age of every woman or girl or infant and also the place from which such woman or girl or infant came before entering such house, and shall also enter in the said register the name of the doctor who attended at any birth which may take place in such house or any infant who may be sick, and when such woman or girl or infant leaves the said house, the place to which they are removed, and the date of such removal; also whether the infant was taken away with the mother or how otherwise disposed of, or how children boarded without their mothers are disposed of, and shall produce the register when required by the board of health, the medical health officer or any other person appointed by the board or municipal council and in the event of his refusing so to produce the register or neglecting to enter in a register the particulars hereinbefore required, shall be liable to a penalty not exceeding twenty dollars.

Forms for registration to be furnished to keepers.

7. The person registered shall be entitled to receive gratuitously from the board of health or municipal officer a book of forms for the registration of persons received into such house. This register may be in the form contained in the schedule to this Act. The book shall contain a printed copy of this Act.

Births in houses to be attended by physician.

8. Every birth which shall take place in such house or hospital shall be attended by a legally qualified medical practitioner who shall forthwith report the fact of such birth having taken place to the medical health officer, and he shall also register the same under *The Act respecting the Registration of Births, Marriages and Deaths.*

Adoption of children from homes.

9. No child an inmate of such house or hospital or born therein or brought thereto shall be given out for adoption or adopted out except by and with the consent of the Children's Aid Society, or under such rules and regulations as may from time to time be sanctioned by the Department of Neglected and Dependent Children of Ontario.

10. It shall be an offence against this Act for anyone registered as herein provided to advertise that they will adopt children or to hold out inducements to parents to part with their offspring; and when such children are transferred by their parents or are adopted out to other parties, such transfer shall be with the knowledge and consent of the agent or secretary of the Children's Aid Society. Penalties for advertising for children for adoption.

11. If any person shall make false representations with a view to being registered under this Act or shall forge any certificate for the purpose of this Act, or shall make use of any forged certificate knowing it to be forged, shall falsify any register kept in pursuance of this Act, he shall be guilty of an offence against this Act. Securing registration or certificates by false representation or forgery.

12. If it shall be shown to the satisfaction of the board of health or medical health officer or the municipal officer that a person whose house has been so registered as aforesaid has been guilty of serious neglect or is incapable of providing the women or girls or infants intrusted to his care with proper food and attention, or that the house specified in the register has become unfit for the reception of women or girls or infants, it shall be lawful for such board or officer to strike the name and house off the register. Cancelling registration.

13. The person registered as aforesaid shall within twenty-four hours afters the death of any inmate of such house, whether a woman or girl or an infant born therein, or brought thereto as a boarder, cause notice thereof to be given to the medical health officer, and such medical health officer shall immediately call a coroner for the district within which the said person died to hold an inquest on the body of such person, unless a certificate under the hand of a registered medical practitioner is produced to him by the person so registering that such medical practioner had personally attended or examined the person so dying and also specifying the cause of death, and the medical health officer is satisfied by certificate that there is no ground for holding an inquest. If the person so registered neglects to give notice as aforesaid, he shall be guilty of an offence against this Act. Registered persons to give notice of all deaths occuring in house to Medical Health Officer.

14. It shall be the duty of the board of health or municipal council to provide for the visiting and inspecting, from time to time, of every house registered under this Act: and the person or persons appointed to inspect shall be entitled to enter the house at any time and examine every part thereof, and to call for and examine the register which is required to be kept by the person registering the house; and to enquire into all matters concerning the house and the inmates thereof; and it shall be the duty of the person registered to give all reasonable information to persons making the inspection, and to afford Visiting and inspecting maternity boarding houses and homes for infants.

them every reasonable facility for viewing and inspecting the premises, and seeing the inmates thereof.

Penalty for violation of Act.

15. Every person guilty of an offence against this Act shall on conviction thereof forfeit and pay a penalty not exceeding $20 and costs, and in default of payment thereof, he shall be imprisoned in the common gaol of the county in which the offence was committed for a period of not less than six calendar months, and to be kept at hard labor, in the discretion of the police magistrate or other convicting justices, and shall in addition be liable to have his name and house struck off the register.

Expenses of Act to be borne by municipality.

16. All expenses incurred in and about the execution of this Act and the trial of offenders thereunder shall be borne by the municipality in which the registered house is situated.

Trial of offences against Act.

17. Every offence against this Act shall be tried summarily before a police magistrate or any two justices of the peace having jurisdiction in the municipality in which the offence takes place, and all the provisions and powers as to summary trials contained in *The Act respecting Summary Proceedings before Justices of the Peace* shall be applicable to prosecutions and trials under this Act, and to the judicial and other officers before whom the same are hereby authorized to be brought, in the same manner, and to the same extent, as if such provisions and powers were incorporated in this Act.

SCHEDULE A.

(Section 6.)

REGISTER OF PERSONS.

No.	Date.	Name.	Place from which person came.	Name of doctor who attended at confinement.	Date of Birth.	Destination of person after leaving.	Date of same.	Infant how disposed of.	Remarks.

SCHEDULE B.

(*Section 6.*)

REGISTER OF INFANTS.

Date at which received.	Name.	Sex.	Age.	Name and address of person from whom received.	Date at which removed.	Name and address of person by whom removed.

No. 157.

3rd Session, 8th Legislature, 60 Vic., 1897.

BILL.

An Act to regulate Maternity Boarding Houses and for the Protection of Infant Children.

First Reading, 29th March, 1897.

Mr. Davis.

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 158.] BILL. [1897.

An Act respecting the Appointment of Queen's Counsel.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Limit as to number of Queen's Counsel to be appointed.

1.—(1) From and after the time when this Act shall be brought into force, no appointment of Her Majesty's Counsel learned in the law shall be made by the Lieutenant-Governor in Council beyond the number of five in any one year, or twenty in any four years, save and except in the following cases, namely:

Exceptions.

(2) That of any person who may be appointed Attorney-General or Solicitor-General of Canada, or Attorney-General of this Province;

(3) That of any person who may be appointed one of Her Majesty's Counsel learned in the law by the Governor-General in Council for the Federal Courts, and who has not theretofore been appointed as such Counsel by the Lieutenant-Governor in Council; and

(4) That of any person who may be recommended for appointment by the court of appeal or by a majority of the judges thereof, specially upon the ground of his ability, professional attainments and standing at the Bar.

Qualification of Queen's Counsel.

2. Except in the cases mentioned in subsections 2, 3 and 4, of section 1 no person shall be so appointed who is not of at least ten years standing at the Bar of this Province.

When appointments may be made.

3. The appointments mentioned in subsection 1 of section 1 may all be made at one time, or partly at one time and partly at other times during any four years as the Lieutenant-Governor in Council may determine.

Effect of the demise of the Crown on patents.

4. The appointment of Her Majesty's Counsel learned in the law shall not cease to have effect, nor shall their patents be annulled by the demise of the Sovereign; and shall during the reign of a Queen be called *Her Majesty's Counsel learned in the law* or *Queen's Counsel*; and during the reign of a King, *His Majesty's Counsel learned in the law* or *King's Counsel*.

Commencement of Act.

5. This Act shall not come into force until a day to be named by the Lieutenant-Governor by his proclamation.

No. 158.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Appointment of Queen's Counsel.

First Reading, 29th March, 1897.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 159.] **BILL.** [1897

An Act respecting Shops and Places other than Factories.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. This Act shall not apply to any place of business which is within the operation of *The Ontario Factories' Act*, or *The Ontario Factories' Act, 1889*. Act not to apply to places under Rev. Stat c. 208.

SHOPS AND THE HOURS OF LABOR THEREIN FOR CHILDREN, YOUNG PERSONS AND WOMEN.

2. Unless the context otherwise requires, the following words and expressions in this section shall have the meaning hereby assigned to them respectively, that is to say : Interpretation.

(*a*) "Shop" means any building or portion of a building, booth, stall, or place where goods are handled, or exposed or offered for sale, and any such building, portion of a building, booth, stall or place where goods are manufactured and to which *The Ontario Factories Act* does not apply, and laundries wherein neither steam, water power, nor electric power is used in aid of the work carried on ; but shall not include any place where the only trade or business carried on is that of a tobacconist, news-agent, hotel, inn, tavern, or any premises wherein under license, spirituous or fermented liquor is sold by retail for consumption on the premises. *See* 51 V. c. 33. s. 2 (1) *part*. "Shop."

(*b*) The word "Inspector" shall mean the inspector appointed by order of the Lieutenant-Governor in Council under the authority of and for enforcing the provisions of this Act. *See* R. S. O. c. 208, s. 2 (2). "Inspector."

"Employer." (*c*) The word "employer" shall mean any person who in his own behalf, or as manager, superintendent, or agent for any person, firm, company, or corporation, has charge of any shop and employs children, young persons or women therein. 51 V. c. 33, s. 3 (2) *part.*

"Week." (*d*) The word "week" shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night. 51 V. c. 33, s. 3 (2) *part.*

"Child." (*e*) "Child" shall mean a person under the age of fourteen years. *See* R. S. O. c. 208, s. 2 (5).

"Young girl." (*f*) "Young girl" shall mean a girl of the age of fourteen years and under the age of eighteen years. *See* R. S. O. c. 208, s. 2 (6).

"Woman." (*g*) "Woman" shall mean a female eighteen years of age and upwards. *See* R. S. O. c. 208, s. 2 (7).

Occupier of shop may have actual offender brought into court.

3. Where an employer is charged with an offence against the provisions of this Act, he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender, brought before the Court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the said occupier proves that he used due diligence to enforce the execution of the provisions of this Act, and that the said other person committed the offence in question without his knowledge, consent or connivance, or wilful neglect or default, the said occupier shall be exempt from any fine, penalty or punishment; but the said other person shall thereupon be summarily convicted of such offence, and shall be liable to the same fine, penalty or punishment therefor as if he were the employer. 51 V. c. 33, s. 3 (9).

Children under ten years not to be employed in shops.

4. No person under ten years of age shall be employed in any shop. *See* R. S. O. c. 208, s. 6 (1).

Hours of employment of children, young girls and women in shops.

5.—(1) No child, young girl or woman shall be employed in or about a shop on any day of the week, other than Saturday or the day next before a statutory holiday, before the hour of seven o'clock in the morning, or after the hour of six o'clock in the evening.

(2) No child, young girl or woman shall be employed in or about a shop on Saturday or on the day next before any statutory holiday before the hour of seven o'clock in the morning or after the hour of ten o'clock in the evening.

(3) There shall be allowed to every child, young girl or woman so employed not less than one hour for the noonday meal on each day, and when so employed after six o'clock in the evening not less than forty-five minutes for another or evening meal.

(4) Provided that a child, young girl or woman may be employed in a shop upon one day other than Saturday, and the day before a statutory holiday, in any week until the hour of ten o'clock in the evening, but in that case such child, young girl or woman shall not be so employed on Saturday in such week after the hour of six o'clock in the evening. Provided

(5) Nothing in this section contained shall apply or be in force as to any shop from the 14th day of December to the 24th day of December, inclusive, in each year. *See* 51 V. c. 33, s. 3 (3). Act not to apply to days between 14th December and 24th December.

6. A child, young girl or woman shall not, to the knowledge of the employer, be employed in a shop who has been previously on the same day employed in any factory as defined by *The Ontario Factories' Act*, for the number of hours permitted by the said Act, or for a longer period than will complete such number of hours. 51 V. c. 33, s. 3 (4). Persons employed in factories.

7. Where any child, young girl or woman is employed in or about a shop contrary to the provisions of this Act, the employer shall, upon conviction thereof, be liable to a fine of not less than $10 nor more than $25 for each person so employed, with costs of the prosecution, and in default of immediate payment of such fine and costs, to be imprisoned in the common gaol of the county within which the offence was committed for a period of not less than one month nor more than three months. 51 V. c. 33, s. 3 (5). Penalty for employment of persons contrary to Act.

8. The occupier of any shop in which females are employed shall at all times provide and keep therein a sufficient and suitable seat or chair for the use of every such female, and shall permit her to use such chair or seat when not necessarily engaged in the work or duty for which she is employed in such shop, nor shall such employer or occupier by any open or covert threat, rule, or other intimation, expressed or implied, or by any contrivance, prevent any such female employee using such seat or chair as aforesaid, and any person offending against any of the provisions of this section shall, upon conviction thereof, be liable to a fine of not less than $10 nor exceeding $25, with costs of prosecution, and in default of immediate payment of such fine and costs to be imprisoned in the common gaol of the county within which the offence was committed for a period not less than one month nor more than three months. 51 V. c. 33, s. 3 (7), *amended*. Seats to be provided for female employees.

9. In every shop in which any child, young girl or woman is employed, there shall be provided and kept a correct register of the name, age and place of residence of every such child, young girl or woman employed, and such register shall at all times, on demand, be open to the free inspection of the Inspector. *See* R. S. O. c. 208, s. 28 (2). Register of children, young girls and women employed.

Who to be deemed in the service of owner, tenant or occupier.

10. Where any owner, occupier or tenant of any premises, building, workshop, structure, room, or place, who has the control thereof, or right of access thereto, lets or hires out or contracts for work or labor to be done therein by any other person and such other person engages or employs therein any workman, child, young girl or woman in or for the carrying out or performing of such work or labour, or any part thereof, every such workman, child, young girl or woman shall, for all the purposes of this Act, be taken as being in the service and employment of said owner, tenant or occupier.

Part of a shop.

11. A part of a shop may for the purposes of this Act be taken to be a separate shop. *See* R. S. O. c. 208, s. 2 (1), *part*.

Onus of proof of age.

12. Where a child or young girl is, in the opinion of the Court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the child or young person is not of that age. *See* R. S. O. c. 208, s. 3, *part*.

Eating room for employees.

13. If the inspector so directs in writing, the employer shall, at his own expense, and no part of which shall be payable by or chargeable to the wages of any employee, provide a suitable room or place in the shop, or in connection therewith, for the purposes of a dining or eating room for persons employed in the shop. *See* R. S. O. c. 208, s. 6 (5), *part*.

Shops to be kept in proper condition.

14.—(1) Every shop shall be kept sufficiently ventilated and in a cleanly state and free from effluvia arising from any drain, privy or any other nuisance, and shall not be so overcrowded by employees while work is carried on therein as to be injurious to the health of the persons employed therein. *See* R. S. O. c. 208, s. 11.

Sanitary arrangements.

(2) Every shop shall have in connection therewith, or within convenient distance and with convenient access thereto, a sufficient number and description of privies, earth or water-closets, and urinals for the employees of such shop; such closets and urinals shall at all times be kept clean and well ventilated, and separate sets thereof shall be provided for the use of male and female employees, and shall have respectively separate approaches. 55 V. c. 54, s. 3, *part*.

Employer to conform to directions of inspector.

15. In every shop where, contrary to the provisions of this Act, there is any omission, act, neglect or default in relation to any overcrowding, ventilation, drain, privy, earth-closet, water-closet, ash pit, water supply, nuisance or other matter whereby the health of persons employed in the shop may be injuriously affected, the employer shall, within a reasonable time, take such action thereon as the Inspector, acting under the regulations, if any, made in respect to such subjects, notifies the employer to be proper and necessary. *See* R. S. O. c. 208, s. 12 (1).

16.—(1) Besides the present requirement as to fire-escapes, there shall, in the case of shops over two storeys in height, be provided in every room which is above the ground floor, or in so many of the rooms above the ground floor as the inspector shall in writing certify to be in his judgment sufficient, a wire or other rope for every window in the room, or for as many windows in the room as the Inspector shall certify in writing to be sufficient. Fire escapes.

(2) Every such rope shall be not less than three-quarters of an inch in thickness, and of sufficient length to reach from the room in which it is kept to the ground below, and every such window of every room is to be provided with proper, convenient and secure fastenings and appurtenances to which one end of the rope may be safely secured or fastened.

(3) The said wire or other ropes are to be kept in a coil or other convenient position in the room.

(4) In cases of particular danger from fire in any shop more than three storeys in height, the Lieutenant-Governor in Council may by regulation require the construction of fire escapes, consisting of iron stairways on the outside of the building with suitable railings and with landings at every storey, including the attic when used as part of the shop, and with proper means of access to such stairway from the interior of the building. *See* R. S. O. c. 208, s. 16 (3); 58 V. c. 50, s. 5.

17. Any person who wilfully makes a false entry in an register, notice, certificate or document required by this Act to be kept, left or served or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use of any such false entry or declaration, shall upon conviction thereof, incur and be liable to imprisonment of the common gaol of the county wherein the offence was committed, for a period not exceeding six months nor less than one month, or to a fine of not more than $50 nor less than $20, with costs of prosecution, and in default of immediate payment of such fine and costs, then to imprisonment as aforesaid. *See* R. S. O. c. 208, s. 22. Penalty for falsifying register, certificates, etc.

18. The Lieutenant-Governor may from time to time for the purpose of carrying out this Act:— Regulations—appointment of inspectors.

1. Make such rules, regulations and orders for enforcing its provisions, and for the conduct and duties of the inspector or inspectors, as may be deemed necessary;

2. Appoint the inspector or inspectors, who may be male or female, as may be deemed necessary, who shall be paid such salary or compensation as from time to time may be appropriated for the purpose by the Legislative Assembly. *See* R. S. O. c. 208, s. 24.

Powers of inspector.

19. The inspector shall, for the purpose of the execution of this Act and for enforcing the regulations made under the authority thereof, have power to do all or any of the following things, namely :

1. To enter, inspect and examine at all reasonable times by day or night any shop or any part thereof when he has reasonable cause to believe that such shop requires inspection under the provisions of this Act

2. To require the production of any register, certificate, notice or document required by this Act to be kept, and to inspect, examine and copy the same.

3. To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with, so far as respects the shop and the persons employed therein ; and to require any person to be examined, and to sign a declaration of the truth of the matters respecting which he is so examined ;

4. To exercise such other powers as may be necessary for carrying this Act into effect. *See* R. S. O. c. 208, s. 25, *part.*

Employer to furnish assistance to inspector.

20. The employer and his agents and servants shall furnish the means required by the inspector as necessary for an entry, inspection, examination, inquiry, or the exercise of his powers under this Act in relation to such shop. *See* R. S. O. c. 208, s. 25 (7), *part.*

Inspector to produce certificate of appointment.

21. Every inspector under this Act shall be furnished with a formal certificate of his appointment, under the hand and seal of the Minister of Agriculture for Ontario, and on applying for admission to a shop shall, if required, produce to the employer the said certificate. *See* R. S. O. c. 208, s. 27.

Obstructing or hindering inspector.

22. Every person who wilfully hinders, obstructs, or interferes with an inspector in the discharge of his duties under this Act, after the inspector shall have exhibited his certificate of appointment, shall be liable to a fine not exceeding $20 and costs, and in default of immediate payment thereof, to imprisonment for any term not exceeding thirty days. *See* R. S. O. c. 208, s. 25, *part.*

Notice to be affixed in shop.

23. There shall be posted up in convenient places in every shop and be constantly kept so affixed in the form directed by the Inspector and in such position as to be easily read by the persons employed in the shop—

1. Such notices of the provisions of this Act, and of any regulations made thereunder as the Inspector deems necessary to enable the persons employed in the shop to become acquainted with their rights, liabilities and duties under this Act ; and

2. A notice of the name and address of the Inspector.

In the event of a contravention of this section in a shop, the employer shall be liable to a fine not exceeding $20 and costs. *See* R. S. O. c. 208, s. 29.

Notices, etc., and mode of service.

24. Any notice, under this Act shall be in writing and may be served by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or where that person is an employer, within the meaning of this Act, by delivering the same, or a true copy thereof, to his agent or to some person in the shop of which he is employer. *See* R. S. O. c. 208, s. 30.

Penalty for contravention of Act where no express penalty provided.

25. If any of the provisions of this Act, or of any regulations, rules or orders made under the authority thereof by the Lieutenant Governor in Council, or by any Inspector are contravened, and no other penalty is herein provided for such contravention, the employer guilty of such contravention, shall on summary conviction thereof incur and pay a fine of not more than $50 with costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county within which the offence was committed, for a period not exceeding three months. *See* R. S. O. c. 208, s. 31.

Power of court in addition to inflicting fine.

26. If a shop is not kept in conformity with this Act, the court of summary jurisdiction, in addition to, or instead of inflicting a fine, penalty or other punishment upon the employer, may order certain means to be adopted by the employer, within the time named in the order, for the purpose of bringing his shop into conformity with this Act; the court may, also, upon application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the employer shall be liable to a fine not exceeding $5 for every day that such non-compliance continues. *See* R. S. O. c. 208, s. 2.

Inspector to proceed against actual offender.

27. Where it is made to appear to the satisfaction of the Inspector at the time of discovering the offence that the employer had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the consent or connivance of the employer and in contravention of his orders, then the Inspector shall proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the employer. *See* R. S. O. c. 208, s. 34.

Fine on person committing offence for which employer is liable.

28. Where an offence for which an employer is liable under this Act to a fine has in fact been committed by some agent, servant, workman or other person, such agent, servant

workman or other person shall be liable to the same fine, penalty or punishment for such offence as if he were the employer. *See* R. S. O. c. 208, s. 35.

Restraint on cumulative fines.

29. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger fine, penalty or punishments fixed by this Act for the offence, except—

1. Where the repetition of the offence occurs after an information has been laid for the previous offence; or

2. Where the offence is one of employing two or more children, young girls or women, contrary to the provisions of this Act. *See* R. S. O. c. 208, s. 36.

Application of fines and penalties.

30. All fines or penalties in money imposed or recovered under or in pursuance of this Act, shall be paid by the convicting justices or police magistrate, as the case may be, to the Inspector, who shall forthwith pay the same over to the Treasurer of the Province to and for the use of the Province. *See* R. S. O. c. 208, s. 37.

Limitation of time and general provisions as to summary proceedings.

31. The following provisions shall have effect with respect to summary proceedings for offences and fines under this Act

1. The time for laying an information in respect of offences and fines under the said Act, or this Act, shall be within two months, or where the offence is punishable at discretion by imprisonment, within three months, after the offence has come to the knowledge of the Inspector.

2. The description of an offence in the words of this Act, or in similar words, shall be sufficient in law.

3. Any exception, exemption, proviso, excuse or qualification whether it does or not accompany the description of the offence in this Act, may be proved by the defendant but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant.

4. It shall be sufficient to allege that a shop is a shop within the meaning of this Act, without more.

5 It shall be sufficient to state the name of the ostensible employer or the title of the firm by which the employer employing persons in the shop is usually known.

6. A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction against which a person is authorized by this Act to appeal, shall not be removed by *certiorari* or otherwise, either at the instance of the Crown or of any private person, into the High Court except for the purpose of the hearing and determination of a special case. 51 V. c. 33, s. 3 (14), *amended*.

32. All prosecutions under this Act may be brought and heard before any two of Her Majesty's justices of the peace in and for the county where the penalty was incurred or the offence was committed or wrong done, and in cities and towns, in which there is a police magistrate, before such police magistrate; and save where otherwise provided by this Act the procedure shall be governed by *The Act respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions*. 51 V. c. 33, s. 3 (15). Prosecutions and procedure.

33. Nothing in the preceding sections of this Act shall apply to a shop where the only persons employed therein are at home, that is to say, are members of the same family dwelling there, or to members of the employer's family dwelling in a house to which the shop is attached. 51 V. c. 33, s. 3 (10). Employment of employer's family in shop.

34. Such annual or other report of the Inspector as the Lieutenant-Governor from time to time directs, shall be laid before the Legislative Assembly. Report of Inspector to be laid before Legislative Assembly.

BAKE SHOPS.

35. In the next seven sections of this Act the following words shall have the meaning hereinafter expressed, unless a contrary intention appears:

(1) The words "bake shop" shall mean any building, premises, workshop, structure, room or place wherein is carried on the manufacture of or sale of confectionery, or of bread, biscuits, cakes, or any other food product made from flour, or from meal or from both, in whole or in part, and the said bake shop shall include also any room or rooms used for storing the confectionery, bread, cakes, biscuits, and other food products. "Bake shop."

(2) The word "inspector" shall mean any inspector appointed under the provisions of this Act, or under the provisions of *The Ontario Factories' Act*. "Inspector."

(3) The word "employer" shall mean any person who in his own behalf, or as the manager, superintendent, overseer, or agent for any person, firm, company or corporation, has charge of any bake shop, or employs any person or persons therein. "Employer."

(4) The word "week" shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night. 59 V. c. 64, s. 2. "Week."

36. All bake shops to which this Act applies shall be constructed as to lighting, heating, ventilating and draining in such a manner as not to be detrimental or injurious to the health of any person working therein, and shall also be kept, at all times, in a clean and sanitary condition, so as to secure the production and preservation of all the food products therein in a good and wholesome condition. 59 V. c. 64, s. 3.

37. Every bake shop shall be provided with a proper wash room, closet, and other conveniences necessary for the health and comfort of the persons employed therein, the wash room, closets and other conveniences to be separate from the bake shop, and such wash-room, closet and other conveniences shall be kept clean and in a sanitary condition. 59 V. c. 64, s. 4.

38. The sleeping place or places of the employees of every bake shop shall be entirely separate from the bake shop and no person shall be allowed to sleep in such bake shop. 59 V. c. 64, s. 5.

39. Every bake shop shall be provided with proper means and facilities of escape in case of fire, such means or facilities to be to the satisfaction of the inspector. 59 V. c. 64, s. 6.

40. No employer shall require, permit or suffer any employee in any bake shop to work on Sunday, nor more than twelve hours on any one day, or more than sixty hours in any one week, except by permission of the inspector giving in writing to the employer, and a copy of which permission shall be posted in a conspicuous place in the bake shop. 59 V. c. 64, s. 7, *amended*.

41. No employer shall knowingly require, permit or suffer any person to work in his bakeshop who is affected with consumption of the lungs, or with scrofula, or with any venereal disease, or with any communicable skin disease, and every employer is hereby required to maintain himself and his employees in a clean and healthy condition while engaged in the manufacture, handling or sale of such food products. 59 V. c. 64, s. 8.

42. Any employer who violates any section of this Act, or who refuses the inspector admittance to his bakeshop, or who neglects or refuses to comply with any lawful requirements of the inspector in connection with the enforcement of this Act respecting bake shops, shall, for the first offence, on conviction thereof, forfeit and pay a penalty of not less than $20, besides costs, and not more than $50, besides costs, and for the second offence, on conviction thereof, such person shall forfeit and pay a penalty of not less than $50, besides costs, and not more than $100, besides costs, and in default of payment thereof he shall be imprisoned in the county gaol of the county in which the offence is committed, for a period not less than thirty days nor more than six months, and to be kept at hard labor at the discretion of the convicting magistrate, and for the third and subsequent offence, on conviction thereof, such person shall be imprisoned in such gaol for a period of not less than six months nor more than one year, to be kept at hard labor in the discretion of the convicting magistrate. 59 V. c. 64, s. 10.

43. Nothing in this Act shall in any way conflict or interfere with the powers and duties of local boards of health, or the officers appointed under *The Public Health Act*. 59 V. c. 4, s. 11.

44. Section 3 of *The Ontario Shop Regulations Act, 1888*, the Act passed in the 55th year of Her Majesty's reign, chaptered 54, the Act passed in the 58th year of Her Majesty's reign, chaptered 51, and *The Bake Shops Act, 1896*, are hereby repealed.

No. 159.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting Shops and Places other than Factories.

First Reading, 30th March, 1897.

Mr. DRYDEN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

Attorney Gen. Hon. A. S. Hardy

No. 160.] **BILL.** [1897.

An Act to make certain Amendments to the Statute Law.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

APPEALS.

1. Section 2 of the Revised Statutes entitled *An Act respecting the Supreme Court of Canada and the Exchequer Court of Canada* is hereby repealed and the following substituted therefor: R. S. O. c. 42, s. 2, repealed.

(2) In any action respecting property or civil rights, whether for damages or for specific relief, the judgment of the Court of Appeal for Ontario shall be final except in the following cases: Limitation of appeals.

(*a*) Where the title to real estate or some interest therein is in question.

(*b*) Where the validity of a patent is affected.

(*c*) Where the matter in controversy in the appeal exceeds the sum or value of $1,000, exclusive of costs.

(*d*) Where the matter in question relates to the taking of an annual or other rent, customary or other duty or fee, or a like demand of a general or public nature affecting future rights.

(*e*) Where the special leave of the Court of Appeal or the Supreme Court of Canada to appeal to such last mentioned Court is granted.

INSPECTION OF OFFICES.

Duties of one inspector may be discharged by another.

2.—(1) The Attorney-General may from time to time direct any inspector to discharge the duties which are by statute or otherwise imposed upon any other inspector, and an inspector while acting under such direction shall have all the powers of the inspector whose duty he has been directed to perform.

(2) In this section the word "inspector" shall mean and include the Inspector of Legal Offices, the Master of Titles, the Inspector of Registry Offices, the Inspector of Prisons and Public Charities and the Inspector of Division Courts.

DIVISION COURTS.

R.S.O. c. 51, s. 35 amended.

3. Section 35 of *The Division Courts Act* is amended by adding thereto the following words: "Provided always that the Lieutenant-Governor in Council may increase or diminish the sum or sums for which any clerk or bailiff heretofore, or who may hereafter be appointed to such office, shall be required to give security as aforesaid."

R.S.O. c. 51, s. 50 amended.

4. Section 50 of the said Act is amended by adding after the word "clerk" where it occurs in the said section the words "or bailiff."

R. S. O. c. 51, s 77, amended.

5. Section 77 of the said Act is amended by adding thereto the following subsection:

(2) Where a sum for principal and also a sum for interest thereon is due and payable to the same person upon a mortgage, bill, note, bond or other instrument, he may notwithstanding anything in this section contained, but subject to the other provisions of this Act, sue separately for every sum so due. (See *re Clarke vs. Barber*, 26 O.R, 47).

Rev. Stat. c. 51, s. 111, subs. 1 repealed.

6. Except as to actions pending when this Act shall take effect, subsection 1 of section 111 of *The Division Courts Act* is hereby repealed and the following substituted therefor:

Motion for judgment.

111.—(1) In any action within the meaning of section 109 of this Act, for the recovery of the sum of $25 or upwards, the plaintiff in the action may, on an affidavit made by himself or by any other person who can swear positively to the debt or cause of action, verifying the cause of action and stating that in his belief there is no defence to the action, concurrently with the service of the summons commencing the action, or at any subsequent time serve the defendant with a notice of motion to shew cause before the Judge of the Division Court in which the action is brought why the plaintiff should not be at liberty to have final judgment entered in his favour by the clerk for the amount of the debt or money demand sought

to be recovered in the action together with interest if any and costs. A copy of the affidavit shall accompany the notice of motion. The Judge may thereupon, unless the defendant by affidavit or otherwise satisfies the Judge that he has a good defence to the action on the merits or discloses such facts as may be deemed sufficient to entitle him to defend the action, make an order empowering the clerk to sign final judgment accordingly.

Rev. Stat. c. 51, s. 111, subs. 7 repealed.

7. Subsection 7 of the said section 111 is hereby repealed.

R. S. O. c. 51, s. 156, amended.

8.—(1) Section 156 of the said Act is hereby amended by substituting for the words "at the time of entering his account, demand or claim" in the third line thereof, the words "one week before the day appointed for the sitting of the court at which the case is to be tried," and by adding thereto at the end thereof the following clause:— Provided however that in any case transferred from one Division Court to another under section 87 of this Act, either plaintiff or defendant may require a jury to be summoned by giving to the clerk of the court to which such case has been transferred, or leaving at his office three clear days before the sittings of the court at which the case is to be tried, a notice requiring a jury to be summoned, and by depositing with the clerk toward the costs in the cause, the proper fees for the expenses of summoning the jury.

(2) The said section 156 is further amended by adding thereto the following subsection:—

2. Notwithstanding anything in this or the preceding two sections contained, the judge in any action pending before him may either at the trial or on application made to him before the trial, direct that the issues be tried and the damages assessed without a jury.

R. S. O. c. 51, s. 270, amended.

9. Section 270 of the said Act is hereby amended by adding thereto the following words: "and such notice may be give at any time before the return of the execution, notwithstanding that the goods may in the meantime have been removed from the premises upon which they were seized, and when the goods of a tenant are sold within ten days after the seizure the money realized shall remain in court until the expiration of the said term of ten days to answer the claim of the landlord, and in cases where the money has been paid into court the notice may be directed to the clerk with like effect as if given to the bailiff before the sale of the goods so seized."

R. S. O. c. 51, Sched A, amended.

10. Schedule A of the said Act is amended by adding after the word "proceeding" in the thirteenth line thereof the following words: (*In the case of a clerk's covenant.*) "And shall pay over to any bailiff or bailiffs of the Division Courts the fees to

which he or they may become entitled under the tariff of fees," unless where the clerk and the bailiff otherwise agree in writing.

57 V. c. 23, s. 12, amended.

11. Section 12 of chapter 23 of the Acts passed in the 57th year of Her Majesty's reign, is hereby amended by inserting after the word "arose" in the seventh line thereof the words "or partly arose."

57 V. c. 23, s. 13, amended.

12. Section 13 of the said chapter 23 is amended by adding the following thereto as subsection (*a*). In any case in which service of the summons on the defendant has been effected out of Ontario, the judge may upon application to him, allow, as costs in the cause, a sum of money towards the expenses incurred in effecting such service, but not in any case to exceed in the whole five dollars.

57 V. c. 23, s. 18, repealed.

13. Section 16 of the said chapter 23 is hereby repealed, and the following substituted therefor:—

Transfer of actions to High Court.

16. When it appears at any stage of an action otherwise of the proper competency of the Division Court that such court has not cognizance thereof on account of the title to land or any corporeal or incorporeal hereditament, or any toll, custom or franchise coming in question, or the validity of any devise, bequest or limitation under a will or settlement being disputed, the action shall not on that account be dismissed, but a judge of the High Court, or a judge of the Division Court, in which the action is pending, may order the same to be transferred to the High Court upon such terms as to the payment of costs or otherwise as the judge making the order thinks fit, and thereafter the action shall proceed in the High Court as if originally commenced therein, and as if the defendant had entered an appearance, or the judge making the order on transfer may give any directions as to procedure which he deems proper.

Ninth Division Court of Wellington abolished.

14. The Ninth Division Court of the County of Wellington is hereby abolished, and all actions, suits and proceedings pending in the said court are hereby transferred to the First Division Court of the County of Dufferin, and shall be carried on and continued as if they had been commenced therein.

Continuation of proceedings after death of bailiff.

15. In the event of the death, resignation or removal from office of a bailiff of a Division Court, after action taken by him under any writ of execution or warrant of attachment as bailiff, the proceedings may be continued by the bailiff, his successor, and in his own name, as fully and effectually as if such action had been so taken by himself: the benefit of all sureties given to the bailiff in his official capacity shall inure to his successor in office.

REGISTRY OFFICES.

16. The council of every county, city or separated town may by by-law authorize the warden, mayor or treasurer to inspect the books of office kept in any registry division in the county or city for the purpose of testing the accuracy of the returns or computations of fees received by the registrar to a share or percentage of which the county, city or town may be or may become entitled, and the registrar shall at all convenient times allow the said books to be inspected for such purpose free of charge. Inspection of registry books by municipal officers.

17. Section 1 of *The Act to amend The Registry Act* of 1893, 57 Victoria, chapter 35, is hereby amended by adding thereto the following sub-section: 57 V. c. 35, s. 1, amended.

(5) In this section the word "mortgagee" shall include the assignee of a mortgage, and the word "mortgage" shall include an assignment of a mortgage.

18. Subsection 1 of section 23 of *The Registry Act, 1893*, is amended by inserting after the word "conveyancer" in the seventh line thereof the words "or act as an agent for the sale of land." 56 V. c. 21, s. 23, amended.

19 Section 70 of *The Registry Act, 1893*, is amended by adding thereto the following subsection: 56 V. c. 21, s. 70, amended.

(4) After a will has been registered in the manner hereinbefore provided in one registry division, such will may be registered in any other registry division by the deposit of a copy thereof certified under the hand and seal of the registrar of the division in which such first mentioned registration took place, to be a true copy of the will as recorded in the said registry office. Subsequent registration of will in other registry divisions.

20. Section 7 of *The Act to amend the Registry Act* passed in the 58th year of Her Majesty's reign, chapter 22 is amended by striking out the word "or" in the seventh line of the said section and substituting the word "on" therefor. 58 V. c. 22, s. 7, amended.

CORONERS.

21. Section 8 of *The Act respecting Coroners* is amended by adding thereto the following proviso: R. S. O. c. 80, s. 8, amended.

"Provided always, that in no case shall any coroner direct a post-mortem examination to be made without the consent in writing of the county crown attorney unless an inquest is actually held."

Jurors.

22. The persons summoned to serve as jurors upon any coroner's inquest and attending thereon, shall be selected from such persons as are named in the voters' list of the municipality in which the inquest is to be held, and are marked therein as qualified to serve as jurors.

Notice to county attorney. Examination of witnesses.

23. Before holding any inquest the coroner shall notify the county crown attorney of his intention so to do, and the county crown attorney, if so directed by the Attorney-General, shall attend at the inquest, and in case he so attends he may, if he thinks fit, examine or cross-examine any witnesses called at the inquest, and the coroner shall summon such witnesses as the county crown attorney may direct and no others.

CRIMINAL JUSTICE.

R.S.O. c. 84, s. 7, amended.

24. Section 7 of the Act regulating the payment by counties of certain expenses of criminal justice, being chapter 84 of the Revised Statutes of 1887, is hereby amended by adding thereto the following subsection:—

(2) The board of audit where the accounts of constables preferred against the county for services performed in any local municipality in connection with the arrest and detention of vagrants are deemed unreasonable, or where the arrests appear to have been unnecessary or made for the purpose of making fees may refuse to certify the accounts for such fees in whole or in part, or the board of audit may certify the facts and their opinion thereon to the county council which may by resolution refuse payment of such accounts in whole or in part.

R.S.O. c. 87, s. 1, repealed.

25. Section 1, of the Act to provide for the payment of witnesses for the Crown, chapter 87 of the Revised Statutes is repealed and the following substituted therefor:—

"Court," meaning of.

1. In the sections of this Act numbered from 3 to 7 inclusive, "court" shall include the high court, courts of oyer and terminer and general gaol delivery, general sessions of the peace, county judges criminal courts, and courts for the summary trials of indictable offences under part LV. of the criminal code.

R. S. O. c. 87, s. 3, amended.

26. Section 3 of the said Act is amended by striking out all the words "High Court" in the twelfth line of the said section.

LANDLORD AND TENANT.

R. S. O. c. 106, Sched. B., amended.

27. In the case of leases hereafter made unless it is therein otherwise specifically provided a covenant by a lessee for payment of taxes shall not be deemed to include an obligation to pay taxes assessed for local improvements and item 2 in

column 2 of schedule B of *The Act respecting Short Forms of Leases* is amended by adding thereto the words "except municipal taxes for local works or improvements assessed upon the property benefited thereby."

28. Section 2 of *The Act respecting Overholding Tenants* is amended by inserting the words "upon affidavit" between the words "apply" and "to" in the tenth line of the said section. R. S. O. c. 144, s. 2, amended.

LANDS DEVOLVING ON EXECUTORS.

29. Notwithstanding anything contained in section 4 of the Act passed in the 56th year of Her Majesty's reign, entitled *An Act respecting the time for the Vesting of Estates in Heirs and Devisees*, the first subsection of section 1 of the Act passed in the 54th year of Her Majesty's reign entitled *An Act respecting the Sale of Real Estate by Executors and Administrators*, shall be construed to apply and to have applied only to the estates of persons dying on or after the 4th day of May, 1891, and the words "before or" in the said section 4 of the said first mentioned Act are hereby repealed. Application of 54 V. c. 18, s. 1 (1). 54 V. c. 18. 56 V. c. 20.

MARRIED WOMEN.

30. Section 5 of *The Devolution of Estates Act* is hereby repealed, and the following substituted therefor:— R. S. O. 1887, c. 108.

5. The real and personal property, whether separate or otherwise, of a married woman in respect of which she dies intestate shall be distributed as follows: One-third to her husband if she leaves issue, and one half if she leaves no issue; and, subject thereto shall go and devolve as if her husband had predeceased her.

31. Section 23 of *The Married Women's Property Act* is hereby repealed. R. S. O. 1887, c. 132.

32. Section 2 of *The Married Women (Maintenance in case of Desertion) Act, 1888*, is hereby amended by adding thereto the following subsection:— 51 V. c. 23, s. 1, amended.

(2) A married woman shall be deemed to have been deserted within the meaning of this section when she is living apart from her husband because of repeated assaults or other acts of cruelty, or because of his refusal or neglect without sufficient cause to supply her with food and other necessaries of life when able so to do. Deserted, meaning of.

UNION TOWNSHIPS IN UNORGANIZED DISTRICTS.

R. S. O. c. 185, s. 1 (2) amended.

33. Sub-section 2 of section 1 of chapter 185 of the Revised Statutes is amended by inserting in the fifth line thereof after the word "persons" the words "provided however that the population of such township amounts to not less than 50 persons."

VOTERS' LISTS.

53 V. c. 3, s. 3, amended.

34. Section 3 of *The Ontario Voters' Lists Act, 1889*, is amended by adding thereto the following subsection:

9*a*. In townships, towns and villages the clerk shall also opposite the name of each person state such person's occupation by inserting the same in a column for that purpose.

52 V. c. 3, s. 5, amended.

35. Section 5 of the said Act is amended by adding thereto the following paragraph:—

(g) The clerk of the county in which the municipality is situate.

RECOUNT OF VOTES.

55 V. c. 3, amended.

36. *The Ontario Election Act, 1892*, is amended by adding thereto the following sections:—

Appeal from decision of judge on recount.

122*a*. Notwithstanding anything in the preceding section contained the judge shall delay sending his certificate to the returning officer for two days after the completion of the recount in order to allow of an appeal as hereinafter provided.

122*b*.—(1) In case either of the candidates desires to appeal from the decision of the county or district judge on a recount he may do so by giving notice in writing to the other candidate and to the judge of his intention within two days after the completion of such recount, and he may by the notice limit the appeal to certain specified ballots. The notice may be served upon the candidate personally, or upon the solicitor who acted for him upon the recount by leaving the notice with such solicitor personally or at his office.

(2) Where the appeal is limited as aforesaid the county or district judge shall seal up the ballot papers which are the subject of appeal in a separate packet and shall forward the same together with the notice and a certificate showing his findings as to the ballots in dispute by registered letter to the registrar of the court of appeal, but if the appeal is not limited then the judge shall forward all the ballots and other papers to the registrar in manner aforesaid, and shall await the result of the appeal before sending his certificate to the returning-officer under section 122. The judge shall upon request allow each party to make a copy of the certificate of

his findings before the same is forwarded to the registrar of the court of appeal.

(3) On receipt of the ballots and notice the registrar shall forthwith obtain an appointment from one of the judges of the court of appeal for proceeding with the matter and shall inform the parties or their solicitors of the time so appointed

(4) The time appointed for hearing the appeal shall be not more than four days from the date of the appointment.

(5) At the time appointed the judge shall proceed to re count the ballots or such of them as are the subject of appeal, and shall forthwith certify his decision to the county or district judge, and it shall be the duty of such judge to conform to the said decision, and to certify the result of the re-count without delay to the returning officer in accordance therewith.

(6) In case no notice of appeal is given to the county or district judge within two days after the completion of the recount, the judge shall certify the result to the returning officer forthwith.

(7) Section 122 of the said Act is amended by striking out the word "forthwith" in the seventh line thereof.

(8) The judge of the court of appeal may direct by and to whom the costs of the appeal shall be paid, and shall make his order accordingly.

POLLING PLACES IN ALGOMA.

37.—(1) *The Act respecting the Polling places in the Electoral Districts of Algoma West and Algoma East* is amended by striking out the following places at which polls are te be held in the unorganized territory in the electoral District of Algoma West: 55 V. c. 4 amended.

"Township of Worthington, at or near Boom's headquarters "Barclay."

And by adding to the said list the following:

Ash Rapids,
Beaver Mills, township of Attwood,
Beaudreau's Fishing Station, Lake of the Woods,
Dryden, township of Wainwright,
Empress Mine,
Harold Lake,
Little Turtle Lake,
Mikado Mine,
Mine Centre,
Manitou Lake,
Pine River, township of Dilke,
Regina Mine,
Saw Bill Lake,
Sultana Mine,
Sturgeon Falls,
Wabagoon.

(2) The said Act is further amended by striking out the list of places at which a poll shall be opened and held in the electoral district of Algoma East, and by substituting therefor the following:

In Municipalities,
Ward No. 1 South Tarrentorus, School House,
Ward No. 2 East Korah School House,
Ward No. 3 West Korah School House,
Ward No. 4 Base Line School House,
Ward No. 1 Sault Ste Marie,
Ward No. 2 Sault Ste Marie,
Ward No. 3 Sault Ste Marie,
Orchard School House, North Macdonald Township,
Hurley's School House, South Macdonald Township,
Bar River School House,
Desert Lake School House,
Temperance Hall, Township of Tarbutt,
Richard's Landing Village,
Lyon's School House,
Irwin's School House,
Mountain School House, section 2, Jocelyn,
Jocelyn School House, section 1,
Tenby Bay, section 3, Jocelyn,
Hilton,
Kaskawan School House,
Little Rapids School House,
Thessalon,
Massey,
Webbwood,
Nairn Village,
Worthington Village,
Whitefish Village,
Rayside Town Hall,
Chelmsford,
Gore Bay,
Gordon Township, School House, section No. 1,
Colin Campbell's Settlement, School House, Township of Burpee,
Big Lake School House, Township of Sandfield,
Sandfield's Mills, School House,
William Newman's Settlement, Township of Sandfield,
Providence Bay,
Mindemoya Lake School House, lot No. 21, 4th concession Carnarvon,
Michael's Bay,
Blue Jay River, School House,
Manitowaning,
School House, section No. 2, Howland,
School House, section No. 5, Howland.
Honora Bay, William Graham's Settlement, Howland,
Kagawong Village,
Little Current,
Cockburn Island, School House No. 1,
Bruce Mines,
Prince School House, 2nd line, Township of Prince,

In Unorganized Territory,
White River Village,
Missinabie Station,
Chapleau Village.
Biscotasing Village,
Geneva Lake Village,
Cartier Village,
Finley's Settlement, School House, Township of Waters,
Walford Village,
Spanish Village,
Cutler Mills,
Cook's Mills,
Algoma Mills,
Blind River,

In Unorganized Territory, *Con.*
Stephen Crawford's Settlement, township of Thompson.
Forrest Corners, township of Gladstone,
Pender's School House, township of Parkinson,
Ainsley's School House, township of Wells,
Day Mills,
Andrew Kerr's, township of Kirkwood,
Rydal Bank,
A. B. Dunn's School House, township of Galbraith,
Fraser's School House, township of Coffin.
Hugh Phillip's Settlement, township of Coffin Additional,

In Unorganized Territory, *Con.*
Garden River,
J. McSorley's Settlement, township of Fenwick,
Rosseau's Settlement, North Shore of Lake Superior,
Aird Island,
Lewis Kemp's Settlement, township of Robinson,
Poplar School House, township of Mills,
Meldrum Bay,
Barrie Island, Reynold's Settlement,
Loughead's School House,
Dougherty's School House, Long Bay,
White Fish River, Mouth,
Killarney,
Collin's Inlet,
Picnic Island,

REGISTRATION OF VOTES.

57 V. c. 4. Short title.

38. *The Act respecting the Registration of Manhood Suffrage and Other Voters in Cities* may be cited as *The Manhood Suffrage Registration Act.*

Application of 57 V. c. 4.

39. *The Act respecting the Registration of Manhood and Other Voters in Cities*, and the Acts amending the same shall apply and be in force in every city and in every county town, which is an incorporated town. The words county town shall not for the purposes of the said Acts include a district town or an incorporated village.

57 V. c. 4, s. 21 (1), amended.

40. Subsection 1 of section 21 of the said Act is amended by striking out the words "the Board shall divide each electoral district" in the 1st line, and inserting in lieu thereof the words "the Board shall divide the city or each electoral district of the city, if the same contains more than one electoral district," and by inserting before the word "district" in the 5th line the word "registration."

41 The board may divide a county town into as many registration districts for the purpose of registration as they may find convenient, but no such division shall be necessary unless the board so orders.

57 V. c. 4, s. 21 (2) repealed.

42. Subsection 2 of section 21 of the said Act is repealed and the following substituted therefor:

(2) If the board of any city or of any electoral district in any city considers that having regard to the number of voters to be registered, the number of registration districts provided for by this section is not sufficient, they may divide the city or any electoral district of the city into as many registration districts as the board considers necessary, and shall appoint a place of registration and a registrar for each as aforesaid.

57 V. c. 4, s. 27 amended.

43. Section 27 of said Act is hereby amended by striking out the word "sixth" where it occurs in the 3rd, 5th and 6th lines thereof and substituting therefor the word "seventh."

Attendance of witnesses.

44. The said Act is further amended by adding thereto the following as section 31*a* thereof :—

31*a*.—(1) Any person may obtain from the Registrar of the Board an order (Form 7*a*) requiring the attendance at the Board of Appeal for hearing appeals as aforesaid, at the time mentioned in the order, of a witness residing or served with the order in any part of this Province ; and requiring the witness to bring with him and produce at the Board any papers or documents mentioned in the order, and every witness served with the order shall obey the same, provided the allowance for his expenses, according to the scale allowed in Division Courts, is tendered to him at the time of service.

(2) Any person appealing, or any person in respect of the registration or omission of whose name a notice of appeal is given, shall, if resident within the registration district, upon being served with an order therein, obey the same without being tendered or paid any allowance for his expenses ; and the order shall be deemed to have been sufficiently served upon any such person under the provisions of this section

(*a*) If the order is served upon him personally ; or

(*b*) Where he has a known residence or place of business within the municipality, if a copy of the order is left for him with some grown person at such residence or place of business ; or

(*c*) Where he has no known residence or place of business within the municipality, if a copy of the order is mailed to him through the post office, with the postage thereon prepaid, and addressed to him at the address contained in any affirmation or affidavit made by him under *The Act respecting the Registration of Manhood Suffrage and other Voters in Cities.*

(3) If a person, whose right to be a voter is the subject of enquiry, does not attend in obedience to the order, the Board in the absence of satisfactory evidence as to the ground of the non-attendance, or as to the right of the person to be a voter, may, on the ground of his non-attendance, strike his name off

the list of voters, or refuse to enter his name on the list of voters, as the case may require, or impose on him a fine not exceeding $20, or may do both.

(4) Any number of names may be inserted in one order, in any case of complaint.

45. Section 15 of the said Act is hereby repealed, and the following is substituted therefor: 57 V. c. 4, s. 15, repealed.

15. In every city other than those named in the four next preceding sections the *ex-officio* members of the Board shall be the two judges of the county court, the police magistrate and the local master. When either of the said judges is local master, the clerk of the county court shall be the fourth member of the board. When there is but one county judge the *ex-officio* members shall be the judge, the police magistrate, the local master and the clerk of the county court. If the judge is local master then the registrar of deeds for the city shall be an *ex-officio* member, or if there shall be none, the registrar of deeds having his office in the city shall be an *ex-officio* member of the board. If any one of the said *ex-officio* members is unable to act from illness or any cause, then the other members of the board shall appoint some fit and proper person to fill such vacancy. *Ex-officio* members in cities.

46. Section 3 of *The Manhood Suffrage Registration Act, 1895*, is hereby amended by inserting after the words "county towns" in the first line thereof the words "to which this Act applies"; and by inserting after the word "court" in the third line the words "if there shall be no police magistrate, or if there shall be no clerk of the county court, then the registrar of deeds having his office at the county town shall be an *ex-officio* member of the board." 58 V. c. 3, s. 3, amended.

47. Subsection 5 of section 30 of *The Act respecting The Registration of Manhood Suffrage and other Voters in Cities*, is amended by striking out the words "an alphabetical," and by substituting therefor the letter "A."

48. Section 52 of the said Act is amended by striking out the following words in the first and second lines, "in any of the said cities," and by inserting in lieu thereof the words "in any of the municipalities to which this Act applies."

49. Notwithstanding anything contained in *The Act respecting the Registration of Manhood Suffrage and Other Voters in Cities* or in *The Manhood Suffrage Registration Act, 1895*, it shall only be necessary to hold two sittings in county towns which are not also cities. But if the board shall find two sittings insufficient to complete the necessary work, they may direct additional sittings as may be necessary, not exceeding

four, and the requirements as to sitting on Saturday and after six o'clock in the evening shall not apply in the case of such county towns.

57 V. c. 4, s. 30, amended.

50. Section 30 of *The Act respecting the Registration of Manhood and Other Voters in Cities* is amended by inserting therein the following as subsection 2*a* :

57 V. c. 4, schedule amended.

(2*a*) The registrar or registry clerk may administer the oath to any number of persons not exceeding five at the same time, unless in any case objection is taken to his proceeding in this manner by any agent present, in which case the applicants shall be sworn separately.

51. The schedule of forms to the said last mentioned Act is hereby further amended by adding thereto the following as Form 7*a* :—

FORM 7A.

(*See Section 31a*).

ORDER FOR ATTENDANCE BEFORE BOARD OF APPEALS.

ONTARIO : County of To Wit. } In the matter of with respect to whom an appeal is entered before the Board of Appeals for the city (or town) of .

To

Greeting :

You are required to appear in your proper person before our Board of Appeal for the (city or town) of , at , on the day of , 18 , at o'clock in the noon, at a meeting of the board appointed, and there and then to be held for hearing appeals in respect of the registration of voters from the municipality of the of , in the County of , then and there to testify to all and singular those things which you know in a certain matter (or matters) of appeal made and now depending before the said Board, under *The Manhood Suffrage Registration Act*, wherein one is appellant, and which appeal is to be tried at the said meeting of the Board, and so from day to day until the said appeal is heard. Herein fail not.

Dated at
this day of ,
A.D. 18 .

A. B.,
Registrar.

58 V. c. 3, s. 32, repealed.

52. Section 2 of *The Manhood Suffrage Registration Act, 1895*, is repealed.

CONSTABLES AND CRIERS.

53. The sheriff shall have the appointment and control of the court crier and of the constables at the sittings of the Courts of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery and of the High Court of Justice, the General Sessions of the Peace and other courts at which the attendance of the sheriff is required. Appointment of Court crier and constables.

SPECIAL EXAMINERS.

54.—(1) In order that the fees and charges in connection with special examinations may be reduced, from and after the first day of September, 1897, there shall be but three special examiners at or in the City of Toronto, besides the officer or clerk at Osgoode Hall mentioned in the next subsection; but in case of the temporary absence or inability to act of any one or more of the three, a temporary appointment or temporary appointments may be made to continue during such absence or inability to act. Number of special examiners limited.

(2) No officer or clerk at Osgoode Hall who is in receipt of a salary as such officer or clerk from the Province shall act as a special examiner for fee or reward; but the fees payable in respect of such examination or for copies or certificates thereof or connected therewith shall be payable in stamps subject to the provisions of *The Act respecting Law Stamps*, and not otherwise, and no such officer or clerk whose salary is paid as aforesaid shall hereafter be eligible for appointment as a special examiner. Of the other special examiners now appointed or acting in said city the two first appointed shall, subject to section 175 of *The Judicature Act, 1895*, be and continue special examiners; and where the commissions or appointments of any two of the remaining number bear the same date the Supreme Court shall direct which of the two shall continue to be a special examiner, and the appointment of the other is hereby annulled. Until such direction neither of the said two shall act after the first day of September, 1897.

55. No special examiner shall solicit or make request from any suitor, solicitor, or other person, or offer inducements to have special examinations taken before him, nor shall any one do so on his behalf on pain of forfeiture of office. Examinations not to be solicited

56. The Lieutenant-Governor in Council shall fix a schedule of fees to be charged and taken by special examiners, and may make rules and regulations in respect thereof; and no other fees or charges than those fixed by said schedule shall be charged or taken. Fees

57. Where it appears to the Lieutenant-Governor in Council that the Local Registrar or Deputy Clerk of the Crown or Appointment of special examiners, *pro tem.*

Clerk of the County Court elsewhere than in Toronto, is infirm or ill, or is absent on leave, or is otherwise unable or unfit to act personally as special examiner, the Lieutenant-Governor in Council may appoint the shorthand writer for the County Court, or some other efficient person temporarily or otherwise to act as such special examiner, instead of the said Local Registrar, Deputy Clerk of the Crown, or Clerk of the County Court.

COUNTY COURT JUDGES.

58 V. c. 13, s. 26, and 59 V. c. 19, s. 15, repealed.

58. Section 15 of *The County Courts Act, 1896*, and section 26 of *The Law Courts Act, 1895*, are hereby repealed.

59.—(1) Hereafter no junior judge shall be appointed in or for any county or union of counties, unless the population of the county or union of counties exceeds 80,000.

(2) In the case of any county or union of counties in or for which there are two judges, if one of such judges dies or resigns his office, or is removed therefrom, there shall be no appointment of another judge in his place unless at the time of such death, resignation or removal from office the population of such county or union of counties exceeds 80,000, and there shall thereafter be but one judge in and for such county or union of counties until the population thereof shall exceed 80,000.

(3) It is hereby declared and enacted that the true meaning and effect of section 15 of *The County Courts Act, 1896*, was and is that in the case of any county or union of counties for which there were at the time of the passing of that Act two judges, if one of such judges died or resigned or was removed from his office, there should be no appointment of another judge in his place unless the population of such county or union of counties at the time of such death, resignation or removal from office exceeded 80,000, and that there should be thereafter but one judge in and for such county or union of counties, until the population thereof should exceed 80,000.

(4) If any commission issued to a junior or second judge in and for any county or union of counties since the said *The County Courts Act, 1896*, was passed, or if any such commission which may be hereafter issued states or recites that the population of such county or union of counties exceeds 80,000, the fact so stated shall be conclusively assumed, and shall not be controverted; and the appointment, authority or jurisdiction of the judge appointed thereby shall not be open to question on the ground that such population did not at the time of such appointment or issue of such commission, or at any time thereafter, exceed 80,000.

(5) This section shall not apply to any county in which is situate a city, and for which county a junior judge has been heretofore appointed, nor to the counties of Grey, Renfrew, Stormont Dundas and Glengarry, Ontario, Bruce, Simcoe, Huron, and Victoria and Haliburton.

PUBLIC LIBRARIES.

60. Section 4 of *The Public Libraries Act, 1895*, is amended by adding thereto the following subsection: 58 V, c. 45, s. 4. amended.

(5) The board of management of any public library in a city established under this Act may establish an art school or take over and accept a transfer of the property, real or personal, or the franchises of any art school already established within said city, and conduct the same in such manner as may promote the study of art or the purposes for which such art school was established, subject to the regulations of the education department, and all the powers vested in the board of management and all the duties imposed upon the board with respect to libraries, news rooms and museums shall be applicable, *mutatis mutandis*, to any art school so established or taken over. Art schools.

61. Subsection 1 of section 11 of the said Act is amended by inserting after the word "incorporated" where it secondly occurs in the 6th line, the words "or operating" and by inserting after the word "schools" in the 7th line, the words "or any other Act." 58 V c. 45, 11, subs. 1, s. amended.

62. Section 22 of the said Act is amended by striking out the words "to the municipal corporation of the municipality in which such public library is situated on such terms and conditions as may be agreed upon," and substituting the words "as may be recommended by the Education Department." 58 V. c. 45, s. 22, amended.

SOLEMNIZATION OF MARRIAGES.

63. Subsection 1 of section 17 of *The Marriage Act, 1896*, is amended by striking out the word "each" in the second line and inserting the word "one" in lieu thereof. 59 V. c. 39, s. 17 (1), amended.

64. Subsection 3 of section 17 of the said Act is repealed and the following substituted therefor: 59 V. c. 39, s. 17 (3), repealed.

(3) The affidavit may be in the form set forth in Schedule D. to this Act, and shall be made before the issuer of licenses or his deputy. Affidavit of applicant for license.

65. Section 25 of *The Marriage Act, 1896* is repealed, and the following substituted therefor: 59 V. c. 39, s. 25, repealed.

No license or marriage where either party under fourteen.

25. No issuer shall issue a license or certificate for the marriage of any person under the age of fourteen years, unless where a marriage is shown to be necessary to prevent the illegitimacy of offspring, and a certificate to that effect is given by a legally qualified practitioner known to the issuer. 59 V. c. 39, s. 16 (1).

Clergyman to apply for marriage register to clerk of municipality.

66.—(1) Every clergyman, minister or other person authorized to solemnize marriages, where a marriage register is not already possessed by any church or congregation over which he is placed or has charge, shall make application for a register (which shall be the property of said church or congregation) to the clerk of the city, town, incorporated village or township municipality within which the said church or congregation is situated; the clerk shall thereupon supply such register at the cost of the municipality, and the clergyman, minister or other person in whose keeping the register is, shall, on or before the 8th days of July and January, in each and every year, make to the said clerk a complete copy of of every marriage recorded therein during the previous half year.

(2) One additional register may be supplied to any clergyman, minister or other person authorized to solemnize marriages, and a register shall also, on application, be supplied to any clergyman or minister in the municipality who is not in charge of a church or congregation, but in that case he must similarly make a return at the periods aforesaid of all marriages solemnized by him.

In unorganized townships.

(3) Every clergyman or minister in charge of a church or congregation in any unorganized township shall upon a written application to be made by him to the Registrar General receive a marriage register, to be supplied by the Registrar General out of any moneys set apart by the Legislature for the purpose.

EDUCATION.

67. Section 5 of *The Education Department Act, 1896*, is repealed and the following substituted in lieu thereof:

59 V. c. 69, s. 5, repealed.

Educational Council.

5.—(1) For the purpose of conducting the examinations' prescribed by the Education Department, and the annual examination for Matriculation into the University of Toronto (not including the examinations known as the Supplemental or the Scholarship examinations unless requested so to do by the Senate of the said University) there shall be established an Educational Council of twelve persons to be appointed by the Lieutenant-Governor-in-Council on or before the 15th of October in each year. The Senate of the University shall have power to nominate six of the twelve persons to be so appointed, and, in the event of the Senate failing or neglecting to

make such nominations on or before the date above mentioned, the Lieutenant-Governor-in Council may make such appointments. Vacancies in the Council shall be filled by the Lieutenant-Governor-in-Council, but if the vacancy occur among the members nominated by the Senate, the Senate shall have power to nominate a person to fill such vacancy.

(2) The Senate may withdraw the conduct of the annual Matriculation examination aforesaid from the Educational Council on giving notice of such withdrawal to the Minister of Education, on or before the 15th of October in any year; in such case, the right of the Senate to nominate Members of the Council shall cease and determine and the Lieutenant-Governor-in Council may thereafter appoint the full Council. Should the Council fail or neglect to perform any of the duties assigned to it, then such duties may be performed by the Education Department.

(3) The first meeting of the Council in each year shall be called by the Minister of Education. The Council shall appoint its own Chairman, and shall hold such meetings from time to time as may be necessary for the transaction of its proper business. Four members shall form a quorum. The Registrar of the Council shall be appointed by the Education Department.

(4) The Council shall appoint Examiners well qualified by experience as teachers in either a University or High School for the purpose of preparing uniform examination papers for the combined Matriculation examination aforesaid and the Departmental examinations conducted upon the same course of study. The Council shall also appoint Associate Examiners for reading the answer papers of candidates at such examinations and such Associate Examiners shall be persons actually engaged in teaching, and graduates of a University in the British Dominions or Specialists according to the Regulations of the Education Department; the number to be appointed from year to year for each examination paper shall be determined by the Minister of Education.

(5) The Associate Examiners shall be selected from lists, to be furnished by the Minister of Education, of persons qualified as above; such list shall contain at least twice the number of persons to be appointed. No Examiner or Associate Examiner shall be appointed, to whom objection is taken by four of the Members of the Council nominated by the Senate, or by four of the persons appointed by the Lieutenant-Governor-in-Council without such nomination.

(6) The Council shall have power to instruct the examiners with respect to the character of the examination papers to be prepared by them and the number of questions on each paper. The Council shall direct the Associate Examiners, during the reading of the answer papers, and settle the results of the examination and report thereon. The powers of the Council in all matters in this subsection contained shall be subject to such Regulations as may be agreed upon from time to

time by the Education Department and the Senate of the University.

(7) The Council shall, subject to the Regulations of the Education Department, appoint such Examiners and Associate Examiners as may be required for preparing, reading and valuing the examination papers of candidates at all other Departmental examinations or for reading the answer papers of candidates who have appealed to the Minister of Education for a re-examination of their answer papers, and for settling the results of such examinations.

(8) Except in the case of an emergency, no Examiner or Associate Examiner shall be appointed for more than three consecutive years. All Presiding Examiners charged with the conduct of examinations at High Schools and other centres shall be appointed by the Education Department and shall be subject to the Regulations of the Education Department from time to time.

R. S. O. c. 230, s. 48, repealed.

68. Section 48 of chapter 230 of the Revised Statutes is hereby repealed.

59 V. c. 70, s. 89, subs. 4, amended.

69. Subsection 4 of section 89 of *The Public Schools Act, 1896*, is amended by inserting therein after the word "districts" in the first line thereof the words, "and in the Provisional County of Haliburton."

70. Section 2 of *The High Schools Act* is amended by adding thereto the following subsection:

59 V. c. 71, s. 2, amended.

(11) The municipal council in every town in a judicial or territorial district shall pay for the maintenance of pupils of such town who attend a high school in any other town in the same district at the rate per pupil (after deducting the Legislative grant) payable for the pupils of the town in which the high school is situated. Any dispute between the municipal council of the town and the board of trustees with respect to the amount to be so payable shall be settled as in the case of county pupils under this Act.

RAILWAYS.

59 V. c. 48, s. 6, amended.

71. Section 6 of *The Act respecting Aid to Certain Railways*, passed in the 59th year of Her Majesty's reign, and chaptered 48, is amended by adding thereto the following subsection:

(3) In this section the word "supplies" shall mean and include land purchased for right of way.

INSPECTION OF MILK.

72. The operation of section 4 of *The Act to provide for the Inspection of Meat and Milk Supplies of Cities and Towns* passed in the fifty-ninth year of Her Majesty's reign, and chaptered 63, is hereby suspended and no proceedings shall be taken under the authority of the said section until the close of the next session of the Legislature. 59 V. c. 63, s. 4, suspended.

NOTARIES PUBLIC.

73.—(1) In any case in which under the authority of any Act of the Province of Ontario a notary public is authorized to administer oaths or to take any affidavit or statutory declaration it shall not be necessary to the validity of such oath or affidavit or declaration that the notary public before whom the same is taken shall affix his seal thereto, and every such oath, affidavit or declaration signed by a notary public who has not affixed his seal shall be receivable in evidence as to the facts therein deposed to, and for all other purposes, in the same manner and to the same extent as if the seal of the notary public had been affixed thereto. Notary public need not affix seal on affidavits, etc.

(2) This section shall apply to oaths, affidavits and declarations made or taken as well before as after the passing of this Act but nothing herein contained shall affect the question of costs in any action or other proceeding pending at the time of the passing hereof. Application of section.

74. Subsection 5 of section 88 of the Acts passed in the 57th year of Her Majesty's reign, chaptered 56, is amended by adding thereto the following words: "in any matter arising under this Act." 57 V. c. 56, s. 88 (5), amended.

No. 160.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to make certain Amendments to the Statute Law.

First Reading, 30th March, 1897.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 160.] BILL. [1897.

An Act to make certain Amendments to the Statute Law.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

APPEALS.

1. Section 2 of the Revised Statutes entitled *An Act respecting the Supreme Court of Canada and the Exchequer Court of Canada* is hereby repealed and the following substituted therefor: R. S. O. c. 42, s. 2, repealed.

(2) In any action respecting property or civil rights, whether for damages or for specific relief, the judgment of the Court of Appeal for Ontario shall be final except in the following cases: Limitation of appeals.

(*a*) Where the title to real estate or some interest therein is in question.

(*b*) Where the validity of a patent is affected.

(*c*) Where the matter in controversy in the appeal exceeds the sum or value of $1,000, exclusive of costs.

(*d*) Where the matter in question relates to the taking of an annual or other rent, customary or other duty or fee, or a like demand of a general or public nature affecting future rights.

(*e*) Where the special leave of the Court of Appeal or the Supreme Court of Canada to appeal to such last mentioned Court is granted.

INSPECTION OF OFFICES.

Duties of one inspector may be discharged by another.

2.—(1) The Attorney-General may from time to time direct any inspector to discharge the duties which are by statute or otherwise imposed upon any other inspector, and an inspector while acting under such direction shall have all the powers of the inspector whose duty he has been directed to perform.

(2) In this section the word "Inspector" shall mean and include the Inspector of Legal Offices, the Master of Titles, the Inspector of Registry Offices, the Inspector of Prisons and Public Charities and the Inspector of Division Courts.

DIVISION COURTS.

R.S.O. c. 51, s. 35 amended.

3. Section 35 of *The Division Courts Act* is amended by adding thereto the following words: "Provided always that the Lieutenant-Governor in Council may increase or diminish the sum or sums for which, any clerk or bailiff heretofore, or who may hereafter be appointed to such office, shall be required to give security as aforesaid."

R.S.O. c. 51, s. 50 amended.

4. Section 50 of the said Act is amended by adding after the word "clerk" where it occurs in the said section the words "or bailiff."

R. S. O. c. 51, s. 77, amended.

5. Section 77 of the said Act is amended by adding thereto the following subsection:

(2) Where a sum for principal and also a sum for interest thereon is due and payable to the same person upon a mortgage, bill, note, bond or other instrument, he may notwithstanding anything in this section contained, but subject to the other provisions of this Act, sue separately for every sum so due. (See *re Clarke vs. Barber*, 26 O.R, 47).

Rev. Stat. c. 51, s. 111, subs. 1 repealed.

6. Except as to actions pending when this Act shall take effect, subsection 1 of section 111 of *The Division Courts Act* is hereby repealed and the following substituted therefor:

Motion for judgment.

111.—(1) In any action within the meaning of section 109 of this Act, for the recovery of the sum of $25 or upwards, the plaintiff in the action may, on an affidavit made by himself or by any other person who can swear positively to the debt or cause of action, verifying the cause of action and stating that in his belief there is no defence to the action, concurrently with the service of the summons commencing the action, or at any subsequent time serve the defendant with a notice of motion to shew cause before the Judge of the Division Court in which the action is brought why the plaintiff should not be at liberty to have final judgment entered in his favour by the clerk for the amount of the debt or money demand sought

to be recovered in the action together with interest if any and costs. A copy of the affidavit shall accompany the notice of motion. The Judge may thereupon, unless the defendant by affidavit or otherwise satisfies the Judge that he has a good defence to the action on the merits or discloses such facts as may be deemed sufficient to entitle him to defend the action, make an order empowering the clerk to sign final judgment accordingly.

Rev. Stat. c. 51, s. 111, subs. 7 repealed.

7. Subsection 7 of the said section 111 is hereby repealed.

R. S. O. c. 51, s. 156, amended.

8.—(1) Section 156 of the said Act is hereby amended by substituting for the words "at the time of entering his account, demand or claim" in the third line thereof, the words "one week before the day appointed for the sitting of the court at which the case is to be tried," and by adding thereto at the end thereof the following clause:—Provided however that in any case transferred from one Division Court to another under section 87 of this Act, either plaintiff or defendant may require a jury to be summoned by giving to the clerk of the court to which such case has been transferred, or leaving at his office three clear days before the sittings of the court at which the case is to be tried, a notice requiring a jury to be summoned, and by depositing with the clerk toward the costs in the cause, the proper fees for the expenses of summoning the jury.

8*a*. Section 187 of *The Division Courts Act* is amended by adding the following subsection:

(1) If no defence has been entered by the primary debtor and the primary creditor before the trial abandons the claim against the garnishee, final judgment may be entered for the claim of the primary creditor and costs by the Clerk as if there had been no garnishee proceedings.

R. S. O. c. 51, s. 270, amended.

9. Section 270 of the said Act is hereby amended by adding thereto the following words: "and such notice may be given at any time before the return of the execution, notwithstanding that the goods may in the meantime have been removed from the premises upon which they were seized, and when the goods of a tenant are sold within ten days after the seizure the money realized shall remain in court until the expiration of the said term of ten days to answer the claim of the landlord, and in cases where the money has been paid into court the notice may be directed to the clerk with like effect as if given to the bailiff before the sale of the goods so seized."

R. S. O. c. 51, Schd. A., amended.

10. Schedule A of the said Act is amended by adding after the word "proceeding" in the thirteenth line thereof the following words: (*In the case of a clerk's covenant.*) "And shall pay over to any bailiff or bailiffs of the Division Courts the fees to

which he or they may become entitled under the tariff of fees, unless where the clerk and the bailiff otherwise agree in writing."

57 V. c. 23, s. 12, amended.

11. Section 12 of chapter 23 of the Acts passed in the 57th year of Her Majesty's reign, is hereby amended by inserting after the word "arose" in the seventh line thereof the words "or partly arose."

57 V. c. 23, s. 13, amended.

12. Section 13 of the said chapter 23 is amended by adding the following thereto as subsection (*a*). In any case in which service of the summons on the defendant has been effected out of Ontario, the judge may upon application to him, allow, as costs in the cause, a sum of money towards the expenses incurred in effecting such service, but not in any case to exceed in the whole five dollars.

57 V. c. 23, s. 18, repealed.

13. Section 16 of the said chapter 23 is hereby repealed, and the following substituted therefor:—

Transfer of actions to High Court.

16. When it appears at any stage of an action otherwise of the proper competency of the Division Court that such court has not cognizance thereof on account of the title to land or any corporeal or incorporeal hereditament, or any toll, custom or franchise coming in question, or the validity of any devise, bequest or limitation under a will or settlement being disputed, the action shall not on that account be dismissed, but a judge of the High Court, or a judge of the Division Court, in which the action is pending, may order the same to be transferred to the High Court upon such terms as to the payment of costs or otherwise as the judge making the order thinks fit, and thereafter the action shall proceed in the High Court as if originally commenced therein, and as if the defendant had entered an appearance, or the judge making the order on transfer may give any directions as to procedure which he deems proper.

Ninth Division Court of Wellington abolished.

14. The Ninth Division Court of the County of Wellington is hereby abolished, and all actions, suits and proceedings pending in the said court are hereby transferred to the First Division Court of the County of Dufferin, and shall be carried on and continued as if they had been commenced therein.

Continuation of proceedings after death of bailiff.

15. In the event of the death, resignation or removal from office of a bailiff of a Division Court, after action taken by him under any writ of execution or warrant of attachment as bailiff, the proceedings may be continued by the bailiff, his successor, and in his own name, as fully and effectually as if such action had been so taken by himself: the benefit of all sureties given to the bailiff in his official capacity shall inure to his successor in office.

REGISTRY OFFICES.

16. The council of every county, city or separated town may by by-law authorize the warden, mayor or treasurer to inspect the books of office kept in any registry division in the county or city, for the purpose of testing the accuracy of the returns or computations of fees received by the registrar to a share or percentage of which the county, city or town may be or may become entitled, and the registrar shall at all convenient times allow the said books to be inspected for such purpose free of charge. Inspection of registry books by municipal officers.

17. Section 1 of *The Act to amend The Registry Act* of 1893, 57 Victoria, chapter 35, is hereby amended by adding thereto the following sub-section: 57 V. c. 35, s. 1, amend d.

(5) In this section the word "mortgagee" shall include the assignee of a mortgage, and the word "mortgage" shall include an assignment of a mortgage.

18. Subsection 1 of section 23 of *The Registry Act, 1893*, is amended by inserting after the word "conveyancer" in the seventh line thereof the words "or act as an agent for the sale of land." 56 V. c. 21, s. 23, amended.

19. Section 70 of *The Registry Act, 1893*, is amended by adding thereto the following subsection: 56 V. c. 21, s. 70, amended.

(4) After a will which has not been admitted to probate has been registered in the manner hereinbefore provided in *any* registry division, such will may be registered in any other registry division by the deposit of a copy thereof certified under the hand and seal of the registrar of the division in which such first mentioned registration took place, to be a true copy of the will as recorded in the said registry *division*. Subsequent registration of will in other registry divisions.

20. Section 7 of *The Act to amend the Registry Act* passed in the 58th year of Her Majesty's reign, chapter 22 is amended by striking out the word "or" in the seventh line of the said section and substituting the word "on" therefor. 58 V. c. 22, s 7, amended.

CORONERS.

21. Section 8 of *The Act respecting Coroners* is amended by adding thereto the following proviso: R. S. O. c. 80, s. 8, amended.

"Provided always, that in no case shall any coroner direct a post-mortem examination to be made without the consent in writing of the county crown attorney unless an inquest is actually held."

Jurors.

22. The persons summoned to serve as jurors upon any coroner's inquest and attending thereon, shall be selected from such persons as are named in the voters' list of the municipality in which the inquest is to be held, and are marked therein as qualified to serve as jurors.

Notice to county attorney. Examination of witnesses.

23. Before holding any inquest the coroner shall notify the County Crown Attorney of his intention so to do, and the County Crown Attorney, if so directed by the Attorney-General, shall attend at the inquest, and in case he so attends he may, if he thinks fit, examine or cross-examine any witnesses called at the inquest, and the coroner shall summon such witnesses as the County Crown Attorney may direct.

CRIMINAL JUSTICE.

R.S.O. c. 84, s. 7, amended.

24. Section 7 of the Act regulating the payment by counties of certain expenses of criminal justice, being chapter 84 of the Revised Statutes of 1887, is hereby amended by adding thereto the following subsection:—

(2) The board of audit where the accounts of constables preferred against the county for services performed in any local municipality in connection with the arrest and detention of vagrants are deemed unreasonable, or where the arrests appear to have been unnecessary or made for the purpose of making fees may refuse to certify the accounts for such fees in whole or in part, or the board of audit may certify the facts and their opinion thereon to the county council which may by resolution refuse payment of such accounts in whole or in part.

R.S.O. c. 87, s. 1, repealed.

25. Section 1, of the Act to provide for the payment of witnesses for the Crown, chapter 87 of the Revised Statutes is repealed and the following substituted therefor:—

"Court," meaning of.

1. In the sections of this Act numbered from 3 to 7 inclusive, "court" shall include the high court, courts of oyer and terminer and general gaol delivery, general sessions of the peace, county judges criminal courts, and courts for the summary trials of indictable offences under part LV. of the criminal code.

R. S. O. c. 87, s. 3, amended.

26. Section 3 of the said Act is amended by striking out all the words after the words "High Court" in the twelfth line of the said section.

LANDLORD AND TENANT.

R. S. O. c. 106, Sched. B., amended.

27. In the case of leases hereafter made unless it is therein otherwise specifically provided a covenant by a lessee for payment of taxes shall not be deemed to include an obligation to pay taxes assessed for local improvements and item 2 in

column 2 of schedule B of *The Act respecting Short Forms of Leases* is amended by adding thereto the words "except municipal taxes for local improvements *or works* assessed upon the property benefited thereby."

☞**28**. Section 2 of *The Act respecting Overholding Tenants*, (as amended by section 4 the Act passed in the 59th year of Her Majesty's reign, chaptered 42,) is hereby amended by inserting the words "upon affidavit" between the words "apply" and "to" in the tenth line thereof; and by inserting the words "in writing" between the words "shall" and "appoint" in the twelfth line thereof.☜ Rev. Stat. c. 144, s 2, amended.

☞Section 4 of the said Act as so amended is amended by inserting the words "judge's written appointment and of the" between the words "the" and "affidavit" in ninth line thereof.☜ Rev. Stat. c. 144, s. 4, amended.

LANDS DEVOLVING ON EXECUTORS.

29. Notwithstanding anything contained in section 4 of the Act passed in the 56th year of Her Majesty's reign, entitled *An Act respecting the time for the Vesting of Estates in Heirs and Devisees*, the first subsection of section 1 of the Act passed in the 54th year of Her Majesty's reign entitled *An Act respecting the Sale of Real Estate by Executors and Administrators*, shall be construed to apply and to have applied only to the estates of persons dying on or after the 4th day of May, 1891, and the words "before or" in the said section 4 of the said first mentioned Act are hereby repealed. Application of 54 V. c. 18. s. 1 (1). 54 V. c. 18. 56 V. c. 20.

☞**29***a*. *The Devolution of Estates Act*, chapter 108 of the Revised Statutes is amended by adding thereto the following section:

4*a*.—(1) Where the personal representatives of a deceased person are desirous of selling any land devolving upon them free from dower they may apply to a Judge of the High Court and if the Judge approves he may by an order to be made by him in a summary way upon such evidence as to him seems meet and either *ex parte* or upon notice (to be served personally unless the Judge otherwise directs) determine whether the estate of the tenant in dower ought to be exempted from the sale or whether the same should be sold; and in making such determination regard shall be had to the interests of all the parties.

(2) No *ex parte* order shall be made unless where service upon the dowress cannot be conveniently made.

(3) If a sale is ordered including such estate, all the estate and interest of every such tenant shall pass thereby; and no conveyance or release to the purchaser shall be required from

such tenant; and the purchaser, his heirs and assigns, shall hold the premises freed and discharged from all claims by virtue of the estate or interest of any such tenant, whether the same be to any undivided share, or to the whole or any part of the premises sold.

(4) In such case the court or judge may direct the payment of such sum in gross out of the purchase money to the person entitled to dower as may be deemed, upon the principles applicable to life annuities, a reasonable satisfaction for such estate; or may direct the payment, to the person entitled to dower of an annual sum, or of the income or interest to be derived from the purchase money or any part thereof, as may seem just, and for that purpose may make such order for the investment or other disposition of the purchase money or any part thereof as may be necessary.

MARRIED WOMEN.

R. S. O. 1887, c. 108.

30. Section 5 of *The Devolution of Estates Act* is hereby repealed, and the following substituted therefor:—

5. The real and personal property, whether separate or otherwise, of a married woman in respect of which she dies intestate shall be distributed as follows: One-third to her husband if she leaves issue, and one-half if she leaves no issue; and, subject thereto shall go and devolve as if her husband had predeceased her.

R. S. O. 1887, c. 132.

31. Section 23 of *The Married Women's Property Act* is hereby repealed.

51 V. c. 23, s. 1, amended.

32. Section 2 of *The Married Women (Maintenance in case of Desertion) Act, 1888*, is hereby amended by adding thereto the following subsection:—

Deserted, meaning of.

(2) A married woman shall be deemed to have been deserted within the meaning of this section when she is living apart from her husband because of repeated assaults or other acts of cruelty, or because of his refusal or neglect without sufficient cause to supply her with food and other necessaries of life when able so to do.

UNION TOWNSHIPS IN UNORGANIZED DISTRICTS.

R. S. O. c. 185, s. 1 (2) amended.

33. Sub-section 2 of section 1 of chapter 185 of the Revised Statutes is amended by inserting in the fifth line thereof after the word "persons" the words "provided however that the population of such township amounts to not less than 50 persons."

VOTERS' LISTS.

34. Section 3 of *The Ontario Voters' Lists Act, 1889*, is amended by adding thereto the following subsection: 52 V. c. 3, s. 3, amended.

9*a*. In townships, towns and villages the clerk shall also opposite the name of each person state such person's occupation by inserting the same in a column for that purpose.

35. Section 5 of the said Act is amended by adding thereto the following paragraph:— 52 V. c. 3, s. 5, amended.

(g) The clerk of the county in which the municipality is situate.

RECOUNT OF VOTES.

36. *The Ontario Election Act, 1892*, is amended by adding thereto the following sections:— 55 V. c. 3, amended.

122*a*. Notwithstanding anything in the preceding section contained the judge shall delay sending his certificate to the returning officer for two days after the completion of the recount in order to allow of an appeal as hereinafter provided. Appeal from decision of judge on recount.

122*b*.—(1) In case either of the candidates desires to appeal from the decision of the county or district judge on a recount he may do so by giving notice in writing to the other candidate and to the judge of his intention within two days after the completion of such recount, and he may by the notice limit the appeal to certain specified ballots. The notice may be served upon the candidate personally, or upon the solicitor who acted for him upon the recount by leaving the notice with such solicitor personally or at his office.

(2) Where the appeal is limited as aforesaid the county or district judge shall seal up the ballot papers which are the subject of appeal in a separate packet and shall forward the same together with the notice and a certificate showing his findings as to the ballots in dispute by registered letter to the registrar of the court of appeal, but if the appeal is not limited then the judge shall forward all the ballots and other papers to the registrar in manner aforesaid, and shall await the result of the appeal before sending his certificate to the returning-officer under section 122. The judge shall upon request allow each party to make a copy of the certificate of his findings before the same is forwarded to the registrar of the court of appeal.

(3) On receipt of the ballots and notice the registrar shall forthwith obtain an appointment from one of the judges of the court of appeal for proceeding with the matter and shall inform the parties or their solicitors of the time so appointed.

(4) The time appointed for hearing the appeal shall be not more than four days from the date of the appointment.

(5) At the time appointed the judge shall proceed to re count the ballots or such of them as are the subject of appeal, and shall forthwith certify his decision to the county or district judge, and it shall be the duty of such judge to conform to the said decision, and to certify the result of the re-count without delay to the returning officer in accordance therewith.

(6) In case no notice of appeal is given to the county or district judge within two days after the completion of the recount, the judge shall certify the result to the returning officer forthwith.

(7) Section 122 of the said Act is amended by striking out the word "forthwith" in the seventh line thereof.

(8) The judge of the court of appeal may direct by and to whom the costs of the appeal shall be paid, and shall make his order accordingly.

POLLING PLACES IN ALGOMA.

56 V. c. 4 amended.

37.—(1) *The Act respecting the Polling places in the Electoral Districts of Algoma West and Algoma East* is amended by striking out the following places at which polls are to be held in the unorganized territory in the electoral District of Algoma West:

"Township of Worthington, at or near Boom's headquarters
"Barclay."

And by adding to the said list the following:

Ash Rapids,
Beaver Mills, township of Attwood,
Beaudreau's Fishing Station, Lake of the Woods,
Dryden, township of Wainwright,
Empress Mine,
Harold Lake,
Little Turtle Lake,
Mikado Mine,
Mine Centre,
Manitou Lake,
Pine River, township of Dilke,
Regina Mine,
Saw Bill Lake,
Sultana Mine,
Sturgeon Falls,
Wabagoon.

(2) The said Act is further amended by striking out the list of places at which a poll shall be opened and held in the electoral district of Algoma East, and by substituting therefor the following:

In Municipalities,
Ward No. 1 South Tarrentorus, School House,
Ward No. 2 East Korah School House,
Ward No. 3 West Korah School House,
Ward No. 4 Base Line School House,
Ward No. 1 Sault Ste Marie,
Ward No. 2 Sault Ste Marie,
Ward No. 3 Sault Ste Marie,
Orchard School House, North Macdonald Township,

Hurley's School House, South Macdonald Township,
Bar River School House,
Desert Lake School House,
Temperance Hall, Township of Tarbutt,
Richard's Landing Village,
Lyon's School House,
Irwin's School House,
Mountain School House, section 2, Jocelyn,
Jocelyn School House, section 1,
Tenby Bay, section 3, Jocelyn,
Hilton,
Kaskawan School House,
Little Rapids School House,
Thessalon,
Massey,
Webbwood,
Nairn Village,
Worthington Village,
Whitefish Village,
Rayside Town Hall,
Chelmsford,
Gore Bay,
Gordon Township, School House, section No. 1,
Colin Campbell's Settlement, School House, Township of Burpee,
Big Lake School House, Township of Sandfield,
Sandfield's Mills, School House,
William Newman's Settlement, Township of Sandfield,
Providence Bay,
Mindemoya Lake School House, lot No. 21, 4th concession Carnarvon,
Michael's Bay,
Blue Jay River, School House,
Manitowaning,
School House, section No. 2, Howland,
School House, section No. 5, Howland.

Honora Bay, William Graham's Settlement, Howland,
Kagawong Village,
Little Current,
Cockburn Island, School House No. 1,
Bruce Mines,
Prince School House, 2nd line, Township of Prince,

In Unorganized Territory,
White River Village,
Missinabie Station,
Chapleau Village.
Biscotasing Village,
Geneva Lake Village,
Cartier Village,
Finley's Settlement, School House, Township of Waters,
Walford Village,
Spanish Village,
Cutler Mills,
Cook's Mills,
Algoma Mills,
Blind River,

In Unorganized Territory, *Con.*
Stephen Crawford's Settlement, township of Thompson.
Forrest Corners, township of Gladstone,
Pender's School House, township of Parkinson,
Ainsley's School House, township of Wells,
Day Mills,
Andrew Kerr's, township of Kirkwood,
Rydal Bank,
A. B. Dunn's School House, township of Galbraith,
Fraser's School House, township of Coffin.
Hugh Phillip's Settlement, township of Coffin Additional,

In Unorganized Territory, *Con.*
Garden River,

J. McSorley's Settlement, township of Fenwick,
Rosseau's Settlement, North Shore of Lake Superior,
Aird Island,
Lewis Kemp's Settlement, township of Robinson,
Poplar School House, township of Mills,
Meldrum Bay,
Barrie Island, Reynold's Settlement,
Loughead's School House,
Dougherty's School House, Long Bay,
White Fish River, Mouth,
Killarney,
Collin's Inlet,
Picnic Island,

REGISTRATION OF VOTES.

57 V. c. 4. Short title.

38. *The Act respecting the Registration of Manhood Suffrage and Other Voters in Cities* may be cited as *The Manhood Suffrage Registration Act.*

Application of 57 V. c. 4.

39. *The Act respecting the Registration of Manhood and Other Voters in Cities*, and the Acts amending the same shall apply and be in force in every city and in every county town, which is an incorporated town. The words county town shall not for the purposes of the said Acts include a district town or an incorporated village.

57 V. c. 4, s. 21 (1), amended.

40. Subsection 1 of section 21 of the said Act is amended by striking out the words "the Board shall divide each electoral district" in the 1st line, and inserting in lieu thereof the words "the Board shall divide the city or each electoral district of the city, if the same contains more than one electoral district," and by inserting before the word "district" in the 5th line the word "registration."

41. The board may divide a county town into as many registration districts for the purpose of registration as they may find convenient, but no such division shall be necessary unless the board so orders.

57 V. c. 4, s. 21 (2) repealed.

42. Subsection 2 of section 21 of the said Act is repealed and the following substituted therefor:

(2) If the board of any city or of any electoral district in any city considers that having regard to the number of voters to be registered, the number of registration districts provided for by this section is not sufficient, they may divide the city or any electoral district of the city into as many registration districts as the board considers necessary, and shall appoint a place of registration and a registrar for each as aforesaid.

57 V. c. 4, s. 27 amended.

43. Section 27 of said Act is hereby amended by striking out the word "sixth" where it occurs in the 3rd, 5th and 6th lines thereof and substituting therefor the word "seventh."

44. The said Act is further amended by adding thereto the following as section 31*a* thereof :— Attendance of witnesses.

31*a*.—(1) Any person may obtain from the Registrar of the Board an order (Form 7*a*) requiring the attendance at the Board of Appeal for hearing appeals as aforesaid, at the time mentioned in the order, of a witness residing or served with the order in any part of this Province ; and requiring the witness to bring with him and produce at the Board any papers or documents mentioned in the order, and every witness served with the order shall obey the same, provided the allowance for his expenses, according to the scale allowed in Division Courts, is tendered to him at the time of service.

(2) Any person appealing, or any person in respect of the registration or omission of whose name a notice of appeal is given, shall, if resident within the registration district, upon being served with an order therein, obey the same without being tendered or paid any allowance for his expenses ; and the order shall be deemed to have been sufficiently served upon any such person under the provisions of this section

(*a*) If the order is served upon him personally ; or

(*b*) Where he has a known residence or place of business within the municipality, if a copy of the order is left for him with some grown person at such residence or place of business ; or

(*c*) Where he has no known residence or place of business within the municipality, if a copy of the order is mailed to him through the post office, with the postage thereon prepaid, and addressed to him at the address contained in any affirmation or affidavit made by him under *The Act respecting the Registration of Manhood Suffrage and other Voters in Cities*.

(3) If a person, whose right to be a voter is the subject of enquiry, does not attend in obedience to the order, the Board in the absence of satisfactory evidence as to the ground of the non-attendance, or as to the right of the person to be a voter, may, on the ground of his non-attendance, strike his name off the list of voters, or refuse to enter his name on the list of voters, as the case may require, or impose on him a fine not exceeding $20, or may do both.

(4) Any number of names may be inserted in one order, in any case of complaint.

45. Section 15 of the said Act is hereby repealed, and the following is substituted therefor : 57 V. c. 4, s. 15, repealed.

15. In every city other than those named in the four next preceding sections the *ex-officio* members of the Board shall be the two judges of the county court, the police magistrate and *Ex-officio* members in cities.

the local master. When either of the said judges is local master, the clerk of the county court shall be the fourth member of the board. When there is but one county judge the *ex-officio* members shall be the judge, the police magistrate, the local master and the clerk of the county court. If the judge is local master then the registrar of deeds for the city shall be an *ex-officio* member, or if there shall be none, the registrar of deeds having his office in the city shall be an *ex-officio* member of the board. If any one of the said *ex-officio* members is unable to act from illness or any cause, then the other members of the board shall appoint some fit and proper person to fill such vacancy.

58 V. c. 3, s. 3, amended.

46. Section 3 of *The Manhood Suffrage Registration Act, 1895*, is hereby amended by inserting after the words "county towns" in the first line thereof the words "to which this Act applies"; and by inserting after the word "court" in the third line the words "if there shall be no police magistrate, or if there shall be no clerk of the county court, then the registrar of deeds having his office at the county town shall be an *ex-officio* member of the board."

47. Subsection 5 of section 30 of *The Act respecting The Registration of Manhood Suffrage and other Voters in Cities*, is amended by striking out the words "an alphabetical," and by substituting therefor the letter "A."

48. Section 52 of the said Act is amended by striking out the following words in the first and second lines, "in any of the said cities," and by inserting in lieu thereof the words "in any of the municipalities to which this Act applies."

49. Notwithstanding anything contained in *The Act respecting the Registration of Manhood Suffrage and Other Voters in Cities* or in *The Manhood Suffrage Registration Act, 1895*, it shall only be necessary to hold two sittings in county towns which are not also cities. But if the board shall find two sittings insufficient to complete the necessary work, they may direct additional sittings as may be necessary, not exceeding four, and the requirements as to sitting on Saturday and after six o'clock in the evening shall not apply in the case of such county towns.

57 V. c. 4, s. 30, amended.

50. Section 30 of *The Act respecting the Registration of Manhood and Other Voters in Cities* is amended by inserting therein the following as subsection 2*a*:

57 V. c. 4, schedule amended.

(2*a*) The registrar or registry clerk may administer the oath to any number of persons not exceeding five at the same time, unless in any case objection is taken to his proceeding in this manner by any agent present, in which case the applicants shall be sworn separately.

51. Subsection 7 of section 30 of said Act is repealed and the following substituted therefor :—

After the comparison is complete and any necessary corrections made, there shall be written, or stamped on the line immediately under the last name which has been entered under the letter A the words "End of first sitting." This shall be repeated at each letter under which names have been entered. If it should happen that there is some index letter under which no name has been entered during the sitting the like words shall be written or stamped on the first line of the first page of every such letter. Similar entries, but naming the proper sitting shall be made at the close of each sitting and the registrar shall sign the last of such entries under each index letter.

52. Subsection 1 of Section 44 of the said Act is amended by striking out the words "Alphabetical Index" where they last occur in the said subsection.

53. The schedule of forms to the said last mentioned Act is hereby further amended by adding thereto the following as Form 7*a* :—

FORM 7A.

(*See Section 31a*).

ORDER FOR ATTENDANCE BEFORE BOARD OF APPEALS.

ONTARIO : County of To Wit. } In the matter of with respect to whom an appeal is entered before the Board of Appeals for the city (or town) of

To

Greeting :

You are required to appear in your proper person before our Board of Appeal for the (city or town) of , at , on the day of , 18 , at o'clock in the noon, at a meeting of the board appointed, and there and then to be held for hearing appeals in respect of the registration of voters from the municipality of the of , in the County of , then and there to testify to all and singular those things which you know in a certain matter (or matters) of appeal made and now depending before the said Board, under *The Manhood Suffrage Registration Act*, wherein one is appellant, and which appeal is to be tried at the said meeting of the Board, and so from day to day until the said appeal is heard. Herein fail not.

Dated at
this day of ,
A.D. 18 .

A. B.,
Registrar.

54. Section 2 of *The Manhood Suffrage Registration Act, 1895*, is repealed. 58 V. c. 3, s. 32, repealed.

CONSTABLES AND CRIERS.

Appointment of Court crier and constables.

55. The sheriff shall have the appointment and control of the court crier and of the constables at the sittings of the Courts of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery and of the High Court of Justice, the General Sessions of the Peace and other courts at which the attendance of the sheriff is required.

SPECIAL EXAMINERS.

Number of special examiners limited.

56.—(1) In order that the fees and charges in connection with special examinations may be reduced, from and after the first day of September, 1897, there shall be but three special examiners at or in the City of Toronto, besides the officer or clerk at Osgoode Hall mentioned in the next subsection; but in case of the temporary absence or inability to act of any one or more of the three, a temporary appointment or temporary appointments may be made to continue during such absence or inability to act.

(2) No officer or clerk at Osgoode Hall who is in receipt of a salary as such officer or clerk from the Province shall act as a special examiner for fee or reward; but the fees payable in respect of such examination or for copies or certificates thereof or connected therewith shall be payable in stamps subject to the provisions of *The Act respecting Law Stamps*, and not otherwise, and no such officer or clerk whose salary is paid as aforesaid shall hereafter be eligible for appointment as a special examiner Of the other special examiners now appointed or acting in said city the two first appointed shall, subject to section 175 of *The Judicature Act, 1895*, be and continue special examiners; and where the commissions or appointments of any two of the remaining number bear the same date the Supreme Court shall direct which of the two shall continue to be a special examiner, and the appointment of the other is hereby annulled. Until such direction neither of the said two shall act after the first day of September, 1897.

Examinations not to be solicited.

57. No special examiner shall solicit or make request from any suitor, solicitor, or other person, or offer inducements to have special examinations taken before him, nor shall any one do so on his behalf on pain of forfeiture of office.

Fees.

58. The Lieutenant-Governor in Council shall fix a schedule of fees to be charged and taken by special examiners, and may make rules and regulations in respect thereof; and no other fees or charges than those fixed by said schedule shall be charged or taken.

Appointment of special examiners, *pro tem.*

59. Where it appears to the Lieutenant-Governor in Council that the Local Registrar or Deputy Clerk of the Crown or

Clerk of the County Court elsewhere than in Toronto, is infirm or ill, or is absent on leave, or is otherwise unable or unfit to act personally as special examiner, the Lieutenant-Governor in Council may appoint the shorthand writer for the County Court, or some other efficient person temporarily or otherwise to act as such special examiner, instead of the said Local Registrar, Deputy Clerk of the Crown, or Clerk of the County Court.

60 When an examination is taken by a stenographer or other person who is not an examiner, it shall be taken in all cases in the presence of the examiner.

COUNTY COURT JUDGES.

61. Section 15 of *The County Courts Act, 1896*, and section 26 of *The Law Courts Act, 1895*, are hereby repealed. 58 V. c. 13, s. 26, and 59 V. c. 19, s. 15, repealed.

62.—(1) Hereafter no junior judge shall be appointed in or for any county or union of counties, unless the population of the county or union of counties exceeds 80,000.

(2) In the case of any county or union of counties in or for which there are two judges, if one of such judges dies or resigns his office, or is removed therefrom, there shall be no appointment of another judge in his place unless at the time of such death, resignation or removal from office the population of such county or union of counties exceeds 80,000, and there shall thereafter be but one judge in and for such county or union of counties until the population thereof shall exceed 80,00.

(3) It is hereby declared and enacted that the true meaning and effect of section 15 of *The County Courts Act, 1896*, was and is that in the case of any county or union of counties for which there were at the time of the passing of that Act two judges, if one of such judges died or resigned or was removed from his office, there should be no appointment of another judge in his place unless the population of such county or union of counties at the time of such death, resignation or removal from office exceeded 80,000, and that there should be thereafter but one judge in and for such county or union of counties, until the population thereof should exceed 80,000.

(4) If any commission issued to a junior or second judge in and for any county or union of counties since the said *The County Courts Act, 1896*, was passed, or if any such commission which may be hereafter issued states or recites that the population of such county or union of counties exceeds 80,000, the fact so stated shall be conclusively assumed, and shall not be controverted; and the appointment, authority or jurisdiction of the judge appointed thereby shall not be open to question on the ground that such population did not at the time of such appointment or issue of such commission, or at any time thereafter, exceed 80,000.

(5) This section shall not apply to any county in which is situate a city, and for which county a junior judge has been heretofore appointed, nor to the counties of Grey, Renfrew, Stormont Dundas and Glengarry, Ontario, Bruce, Simcoe, Huron, and Victoria and Haliburton.

PUBLIC LIBRARIES.

58 V, c. 45, s. 4. amended.

63. Section 4 of *The Public Libraries Act, 1895*, is amended by adding thereto the following subsection:

Art schools.

(5) The board of management of any public library in a city established under this Act may with the approval of the municipal council establish an art school within said city, and conduct the same in such manner as may promote the study of art or the purposes for which such art school was established, subject to the regulations of the Education Department, and all the powers vested in the board of management and all the duties imposed upon the board with respect to libraries, news rooms and museums shall be applicable, *mutatis mutandis*, to any art school so established or taken over.

58 V c. 45, 11, subs. 1, s. amended.

64. Subsection 1 of section 11 of the said Act is amended by inserting after the word "incorporated" where it secondly occurs in the 6th line, the words "or operating" and by inserting after the word "schools" in the 7th line, the words "or any other Act."

58 V. c. 45, s. 22, amended.

65. Section 22 of the said Act is amended by striking out the words "to the municipal corporation of the municipality in which such public library is situated on such terms and conditions as may be agreed upon," and substituting the words "as may be recommended by the Education Department."

SOLEMNIZATION OF MARRIAGES.

59 V. c. 39, s. 17 (1), amended.

66. Subsection 1 of section 17 of *The Marriage Act, 1896*, is amended by striking out the word "each" in the second line and inserting the word "one" in lieu thereof.

59 V. c. 39, s. 17 (3), repealed.

67. Subsection 3 of section 17 of the said Act is repealed and the following substituted therefor:

Affidavit of applicant for license.

(3) The affidavit may be in the form set forth in Schedule D. to this Act, and shall be made before the issuer of licenses or his deputy.

59 V. c. 39, s. 25, repealed.

68. Section 25 of *The Marriage Act, 1896* is repealed, and the following substituted therefor:

25. No issuer shall issue a license or certificate for the marriage of any person under the age of fourteen years, unless where a marriage is shown to be necessary to prevent the illegitimacy of offspring, and a certificate to that effect is given by a legally qualified *medical* practitioner known to the issuer. 59 V. c. 39, s. 16 (1). No license or marriage where either party under fourteen.

69.—(1) Every clergyman, minister or other person authorized to solemnize marriages, where a marriage register is not already possessed by any church or congregation over which he is placed or has charge, shall make application for a register (which shall be the property of said church or congregation) to the clerk of the city, town, incorporated village or township municipality within which the said church or congregation is situated; the clerk shall thereupon supply such register at the cost of the municipality, and the clergyman, minister or other person in whose keeping the register is, shall, on or before the 8th days of July and January, in each and every year, make to the said clerk a complete copy of of every marriage recorded therein during the previous half year. Clergyman to apply for marriage register to clerk of municipality.

(2) One additional register may be supplied to any clergyman, minister or other person authorized to solemnize marriages, and a register shall also, on application, be supplied to any clergyman or minister in the municipality who is not in charge of a church or congregation, but in that case he must similarly make a return at the periods aforesaid of all marriages solemnized by him.

(3) Every clergyman or minister in charge of a church or congregation in any unorganized township shall upon a written application to be made by him to the Registrar General receive a marriage register, to be supplied by the Registrar General out of any moneys set apart by the Legislature for the purpose. In unorganized townships.

EDUCATION.

70. Section 5 of *The Education Department Act, 1896*, is repealed and the following substituted in lieu thereof :

5.—(1) For the purpose of conducting the examinations, prescribed by the Education Department, and the annual examination for Matriculation into the University of Toronto (not including the examinations known as the Supplemental or the Scholarship examinations unless requested so to do by the Senate of the said University) there shall be established an Educational Council of twelve persons to be appointed by the Lieutenant-Governor-in-Council on or before the 15th of October in each year. The Senate of the University shall have power to nominate six of the twelve persons to be so appointed, and, in the event of the Senate failing or neglecting to 59 V. c. 69, s. 5, repealed. Educational Council.

make such nominations on or before the date above mentioned, the Lieutenant-Governor-in Council may make such appointments. Vacancies in the Council shall be filled by the Lieutenant-Governor-in-Council, but if the vacancy occur among the members nominated by the Senate, the Senate shall have power to nominate a person to fill such vacancy.

(2) The Senate may withdraw the conduct of the annual Matriculation examination aforesaid from the Educational Council on giving notice of such withdrawal to the Minister of Education, on or before the 15th of October in any year; in such case, the right of the Senate to nominate Members of the Council shall cease and determine and the Lieutenant-Governor-in Council may thereafter appoint the full Council. Should the Council fail or neglect to perform any of the duties assigned to it, then such duties may be performed by the Education Department.

(3) The first meeting of the Council in each year shall be called by the Minister of Education. The Council shall appoint its own Chairman, and shall hold such meetings from time to time as may be necessary for the transaction of its proper business. Four members shall form a quorum. The Registrar of the Council shall be appointed by the Education Department.

(4) The Council shall appoint Examiners well qualified by experience as teachers in either a University or High School for the purpose of preparing uniform examination papers for the combined Matriculation examination aforesaid and the Departmental examinations conducted upon the same course of study. The Council shall also appoint Associate Examiners for reading the answer papers of candidates at such examinations and such Associate Examiners shall be persons actually engaged in teaching, and graduates of a University in the British Dominions or Specialists according to the Regulations of the Education Department; the number to be appointed from year to year for each examination paper shall be determined by the Minister of Education.

(5) The Associate Examiners shall be selected from lists, to be furnished by the Minister of Education, of persons qualified as above; such list shall contain at least twice the number of persons to be appointed. No Examiner or Associate Examiner shall be appointed, to whom objection is taken by four of the Members of the Council nominated by the Senate, or by four of the persons appointed by the Lieutenant-Governor-in-Council without such nomination.

(6) The Council shall have power to instruct the examiners with respect to the character of the examination papers to be prepared by them and the number of questions on each paper. The Council shall direct the Associate Examiners, during the reading of the answer papers, and settle the results of the examination and report thereon. The powers of the Council in all matters in this subsection contained shall be subject to such Regulations as may be agreed upon from time to

time by the Education Department and the Senate of the University.

(7) The Council shall, subject to the Regulations of the Education Department, appoint such Examiners and Associate Examiners as may be required for preparing, reading and valuing the examination papers of candidates at all other Departmental examinations or for reading the answer papers of candidates who have appealed to the Minister of Education for a re-examination of their answer papers, and for settling the results of such examinations.

(8) Except in the case of an emergency, no Examiner or Associate Examiner shall be appointed for more than three consecutive years. All Presiding Examiners charged with the conduct of examinations at High Schools and other centres shall be appointed by the Education Department and shall be subject to the Regulations of the Education Department from time to time.

71. Section 48 of chapter 230 of the Revised Statutes is hereby repealed. R. S. O. c. 230, s. 48, repealed.

72. Subsection 4 of section 89 of *The Public Schools Act, 1896*, is amended by inserting therein after the word "districts" in the first line thereof the words, "and in the Provisional County of Haliburton." 59 V. c. 70, s. 89, subs. 4, amended.

73. Section 2 of *The High Schools Act* is amended by adding thereto the following subsection:

(11) The municipal council in every town in a judicial or territorial district shall pay for the maintenance of pupils of such town who attend a high school in any other town in the same district at the rate per pupil (after deducting the Legislative grant) payable for the pupils of the town in which the high school is situated. Any dispute between the municipal council of the town and the board of trustees with respect to the amount to be so payable shall be settled as in the case of county pupils under this Act. 59 V. c. 71, s. 2, amended.

RAILWAYS.

74. Section 6 of *The Act respecting Aid to Certain Railways*, passed in the 59th year of Her Majesty's reign, and chaptered 48, is amended by adding thereto the following subsection: 59 V. c. 48, s. 6, amended.

(3) In this section the word "supplies" shall mean and include land purchased for right of way.

INSPECTION OF MILK.

59 V. c. 63, s. 4, suspended.

75. The operation of section 4 of *The Act to provide for the Inspection of Meat and Milk Supplies of Cities and Towns* passed in the fifty-ninth year of Her Majesty's reign, and chaptered 63, is hereby suspended and no proceedings shall be taken under the authority of the said section until the close of the next session of the Legislature.

NOTARIES PUBLIC.

Notary public need not affix seal on affidavits, etc.

76.—(1) In any case in which under the authority of any Act of the Province of Ontario a notary public is authorized to administer oaths or to take any affidavit or statutory declaration it shall not be necessary to the validity of such oath or affidavit or declaration that the Notary Public before whom the same is taken shall affix his seal thereto, and every such oath, affidavit or declaration signed by a Notary Public who has not affixed his seal shall be receivable in evidence as to the facts therein deposed to, and for all other purposes, in the same manner and to the same extent as if the seal of the Notary Public had been affixed thereto.

Application of section.

(2) This section shall apply to oaths, affidavits and declarations made or taken as well before as after the passing of this Act but nothing herein contained shall affect the question of costs in any action or other proceeding pending at the time of the passing hereof.

57 V. c. 56, s. 88 (5), amended.

77. Subsection 5 of section 88 of the Acts passed in the 57th year of Her Majesty's reign, chaptered 56, is amended by adding thereto the following words: "in any matter arising under this Act."

78. Section 1 of the Act passed in the 56th year of Her Majesty's reign, chaptered 12 is hereby amended by adding the following paragraph to the said section:

But this condition shall not apply where any such addition is made to the present salaries of the said judges in lieu of an allowance for circuit or travelling expenses.

79. The Lieutenant-Governor in Council may by an Order in Council change the name of any township in which no Letters Patent have been issued granting lands therein. Such Order in Council shall forthwith be published in the *Ontario Gazette*.

No. 160.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to make certain Amendments to the Statute Law.

First Reading, 30th March, 1897.
Second Reading, 8th April, 1897.

(Reprinted as amended in Committee of the Whole House.)

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 161.] BILL. [1897.

An Act to make further Provision respecting certain Matters of Municipal Law.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 42, s. 24, subs. 1, amended.

1. Subsection 1 of section 24 of *The Consolidated Municipal Act, 1892*, is amended by adding thereto the following words: "and the Lieutenant-Governor-in-Council may also by such "proclamation provide that the said first mentioned village or "town so annexed or to be annexed shall for the purpose of "elections to the Legislative Assembly continue for such "period of time as may be mentioned in the proclamation to "form part of the electoral division of which it had thereto-"fore formed a part."

Proclamation annexing Allandale to Barrie confirmed.

2. The proclamation bearing date the 21st day of April, 1896, annexing the village of Allandale to the town of Barrie, and providing that the said village should, for the purposes of elections to the Legislative Assembly, continue for the term of ten years from the 15th day of December, 1896, to form part of the electoral division of Cardwell is hereby confirmed.

55 V. c. 42, s. 99, amended.

3. Section 99 of *The Consolidated Municipal Act, 1892*, is amended by adding thereto the following subsection:

Where returning officer or deputy is unable to perform his duties.

(2) In case during the polling the returning officer or deputy returning officer at any polling place becomes unable to perform his duties through illness or other cause, the poll-clerk at such polling place shall act as returning officer or deputy returning officer, as the case may be, and he may appoint some other person to act as poll-clerk, and shall perform all the duties of a returning officer or deputy returning officer.

55 V. c. 42, s. 116, amended.

4. Section 116 of *The Consolidated Municipal Act, 1892*, is amended by striking out all the words therein after the word "office" in the sixth line, and inserting the following in lieu thereof:

In what cases poll to be held at municipal elections.

"But if more candidates are proposed for any particular office than are required to be elected, the clerk, or other returning officer, or chairman shall adjourn the proceedings for filling such office until the first Monday in January next thereafter, where (unless there shall be an election by acclamation by reason of the resignation of any candidate or candidates nominated, as in the next preceding section provided) a poll or polls shall be opened in each ward or polling sub-division at such place or places respectively as may be fixed by the by-law of the said council for the election, at nine o'clock in the morning, and shall continue open until five o'clock in the after noon, and no longer."

Retirement of candidates after nomination.

5. In case, at an annual or other municipal election, the candidates, or any of them who are nominated, retire and by reason of such retirement the requisite number of persons is not elected, then the members elected, if they equal or exceed the half the council when complete, or a majority of such members, shall order a new election to be held to fill the vacancies so caused in the manner provided by *The Consolidated Municipal Act, 1892*.

Retirement by a majority of council.

6. In case, by reason of such retirement, less than half the members of council are elected, the clerk as returning officer shall cause a new election to be held, in the manner provided by *The Consolidated Municipal Act, 1892*, and until such election is held and the number of members necessary to complete the council is elected, the council of the preceding year shall continue in office, and may do or cause to be done, all such acts as a council duly elected for that year might lawfully do.

55 V. c. 42, s. 182, subs. 1, amended.

7.—(1) Subsection 1 of section 182 of *The Consolidated Municipal Act, 1892*, is amended by striking out the words "city or" in the first line.

Election of mayor by council in case of vacancy after 1st July.

(2) In case the office of mayor in a city becomes vacant after the 1st day of July in any year, and an election to fill the vacancy has not been ordered by the court or a judge, the council shall elect one of their own number to fill the office during the residue of the term.

55 V. c. 42, s. 238, repealed.

8. Section 238 of *The Consolidated Municipal Act, 1892*, is repealed.

9. Subsection 1 of section 239 of the said Act is repealed and the following substituted therefor: 55 V. c. 42, s. 239, subs. 1, repealed.

(1) In the case of the absence of the head of the council from illness or any other cause, or in case his office is vacant, the council may, from among the members thereof, appoint a presiding officer who, during such absence or vacancy, shall have all the powers of the head of the council. Appointment of president of council.

10 Sub-section 1 of section 248 of *The Consolidated Municipal Act, 1892*, is hereby amended by adding at the end thereof the words "and every such return shall be transmitted by mail in a registered package." 55 V. c. 42, s. 248, sub-s. 1, amended. Transmitting returns to Bureau of Statistics.

11. Subsection 1 of section 248 of the said Act is amended by adding at the end thereof the following:— 55 V. c. 42, s. 248, sub-s. 1, amended.

(*a*) The clerk of every municipality shall, within one month after the final passing of every by-law for creating debt, send to the Secretary of the Bureau of Industries, one copy of the newspaper advertisement required under section 345 of this Act. Advertisement of debt by-law to be sent to Bureau.

12. Subsection 1 of section 252 of the said Act is amended by adding at the end thereof the words "and every such return shall be transmitted by mail in a registered package." 55 V. c. 42, s. 252, sub-s. 1, amended.

13. Subsection 2 of section 263 of the said Act is hereby amended as follows:— 55 V. c. 42, s. 263, sub-s. 2, amended.

(*a*) By inserting in the third line after the words "and also" the words "in duplicate."

(*b*) By inserting in the sixth line after the word "shall" the words "under a penalty of $20 in case of default," and by inserting after the word "transmit" in the same line, the words "by mail in a registered package." Auditors abstract of finances of corporation.

(*c*) By inserting in the seventh line after the word "and" the words "also one copy of the."

(*d*) By inserting in the ninth line after the word "other" the word "abstract"

(*e*) By inserting in the tenth line after the words "with the" the word "other."

14. Section 263 of the said Act is amended by adding thereto the following as subsection (6):— 55 V. c. 42, s. 263, amended.

(6) The Treasurer of the Province shall retain in his hands any moneys payable to any municipality, if it is certified to him by the Secretary of the Bureau of Industries that the auditor or auditors of such municipality have not made the returns hereby required. Money payable by Province to be retained if auditors' return not made.

55 V. c. 42, s. 263 amended.

15. Section 263 of *The Consolidated Municipal Act, 1892*, is amended by adding thereto the following subsection:

Making untrue entries in financial statement.

(6) If any member or officer of a municipal corporation, or other person, wilfully or knowingly makes or causes or procures to be made, any untrue entry in the statement required by subsection 3 of this section, or wilfully or knowingly causes to be omitted from the said statement any entry or item which should be included therein, he shall be liable, on summary conviction thereof before two or more justices of the peace, to a penalty of not less than $5, nor more than $40, and costs of conviction.

55 V. c. 42 amended.

16.—(1) Section 271 of *The Consolidated Municipal Act, 1892*, is amended by striking out the form of declaration of office therein contained and substituting the following therefor:—

Form of declaration of office.

I, *A.B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*) or in the case of a person who has been appointed to two or more offices which he may lawfully hold at the same time, That I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the offices of assessor and collector (*or as the case may be*) to which I have been elected (*or* appointed) in this Township (*or as the case may be*), and that I have not received, or will not receive, any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office (*or* offices) and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said Corporation (*where declaration is made by the clerk, treasurer, collector, engineer, clerk of works or street overseer, the words following*) save and accept that arising out of my office as clerk, or my office as assessor and collector *or as the case may be*).

Persons appointed to more than one office need make only one declaration.

(2) Any person who has been elected or appointed to two or more municipal offices which he may lawfully hold at the same time may make one declaration of office as to all the offices to which he has been elected or appointed, but the same shall be made and subscribed before he enters upon the duties of any of the said offices.

55 V. c. 42, s. 332, sub-s. 3, amended.

17. Subsection 3 of section 332 of *The Consolidated Municipal Act, 1892*, is amended by inserting after the word "applicant" in the sixth line, the words, "or in case the applicant is a railway company some person on its behalf."

55 V. c. 42, s. 340, sub-s. 12; 57 V. c. 50, s. 12, sub-s. 1, repealed.

18. Subsections 1 and 2 of section 340 of *The Consolidated Municipal Act, 1892*, and subsection 3 thereof, as amended by subsection 1 of section 12 of *The Municipal Amendment Act, 1894*, are repealed and the following substituted therefor:

By laws creating debts when to take effect.

(1) The by-law, if not creating a debt for the purchase of public works, whether of this Province or of the Dominion of Canada, pursuant to the statutes in that behalf and to the provisions of sections 349 and 350, shall name a day in the financial year in which the same is passed when the by-law is to take effect; and if no day is named it shall take effect on the day of the passing thereof.

(2) The debentures may be issued all at one time, and in such case within a year after the passing of the by-law, or, in any case where, because of the proposed expenditure upon the objects for which the debt is contracted being estimated to extend over a series of years, and it is undesirable to have large portions of the moneys in hand unused and uninvested, or for other like or sufficient causes set out in the by-law, it would, in the opinion of the municipal council, be to the advantage of the municipality, they may be issued in instalments of such amounts (not exceeding in the aggregate the total amount for which provision is made by the by-law), and at such times, as the exigency of the case demands, but so that the whole shall be issued within a period of five years, and the first instalment within one year, after the passing of the by-law. Debentures, when to be issued.

(2*a*) If contracted for railways, harbour works or improvements, gas or water-works, or for the construction of sewers by the municipality, the purchase and improvement of parks or the erection of public school houses, the whole debt, or each instalment of the debt, as the case may be, and the obligations to be issued therefor, respectively, shall be made payable in thirty years at furthest, and unless contracted for any of the purposes aforesaid, or for the purchase of public works, as aforesaid, then in twenty years at furthest, from the time or times when the debentures are by the by-law directed or authorized to be issued, whether it be at a date or dates certain, specifically fixed, or a date or dates depending upon and determined by the happening of any event or events or the fulfilment of any condition or conditions as set forth in the by-law. When to be made payable.

(3) The by-law shall settle a certain specific sum to be raised annually, for the payment of interest during the currency of the debentures or of each instalment of the debentures, as the case may be, also, a certain specific sum to be raised annually for the payment of the debt, or of each instalment thereof, as the case may be, such sums to be such as will be sufficient, with the estimated interest on the investments thereof, to discharge the debt, or the instalment, as the case may be, when payable; such annual rate to begin from the date when the debentures are by the by-law directed or authorized to be issued as aforesaid. Special rate.

(3*a*) No by-law heretofore passed shall be deemed to be invalid by reason only of such annual rate commencing at a time subsequent to the year in which the by-law took effect, or because the levy of such annual rate did not begin until the fulfilment of conditions contained in the by-law. Commencement of annual roll.

(3*b*) Nothing in the next preceding subsection contained shall prejudice or affect the question of costs of any action or proceeding pending on the 5th day of May, 1894. Pending proceedings.

55 V. c 42, s. 342, repealed.

19. Section 342 of the said *Consolidated Municipal Act, 1892*, is repealed and the following substituted therefor:

Making debts payable in annual instalments.

342.—(1) In any case of passing a by-law for contracting a debt, by borrowing money for any purpose, the municipal council may, in its discretion, make the principal of the debt, or of each instalment of the debt, as the case may be, repayable by yearly sums, during the currency of the period (not exceeding thirty years, if the debt is for railways, harbour works or improvements, gas or water-works or for the construction of sewers by the municipality, the purchase and improvement of parks or the erection of public school houses, and not exceeding twenty years if the debt is for any other purpose except the purchase of public works in subsection 1 of section 340 mentioned), within which the debt, or the instalment of the debt, as the case may be, is to be discharged; such yearly sums to be of such amounts that the aggregate amount payable for principal and interest in any year in respect of the debt, or of the instalment, as the case may be, shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period; and may issue the debentures of the municipal corporation for the amounts, and payable at the times, corresponding with such yearly sums, together with interest, annually or semi-annually, as may be set forth and provided in the by-law.

(2) The by-law shall set forth a certain specific sum, to be raised in each year during the currency of the debt, or of the instalment of the debt, as the case may be, which sum shall be sufficient to discharge the several yearly sums of principal and interest accruing due, as the said yearly sums become, respectively, payable according to the terms of the by-law; and in cases within this section it shall not be necessary that any provision be made for sinking fund.

55 V. c. 42, s. 340, sub-s. 4, amended.

20. Subsection 4 of section 340 of the last mentioned Act is amended by striking out the word "five" in the third line substituting the word "four."

55 V. c. 42, s. 12, sub-s. 2, repealed.

21. Subsection 2 of section 12 of *The Municipal Amendment Act, 1894*, is repealed.

55 V. c 42, s. 351, amended.

22. Section 351 of *The Consolidated Municipal Act, 1892*, is amended by striking out the word "registered" in the fifth line and substituting the word "transmitted," and by striking out the words "the county" in the sixth line and substituting the words "the registry division," and by adding thereto the following subsections:

Registration of by-laws.

(2) The registrar shall receive and file in his office, and enter in the proper book, every by-law so transmitted to him.

(3) The by-law shall be certified and authenticated by the seal of the municipal corporation, and the signature of the head thereof or of the person presiding at the meeting at which the by-law has been made and passed, and that of the clerk of the corporation.

(4) The copy so certified shall be open to public inspection and examination at all seasonable times and hours upon payment of the proper fees.

(5) The registrar shall be entitled to the fees following:

For registration of each such certified copy	$2 00
For making search, inspecting each copy of by-law, and examining entries connected therewith	50

(6) Any clerk who neglects to perform within the proper period any duty devolving upon him in virtue of this section shall be subject to a fine of $200, or, in default of payment, to imprisonment for a period not exceeding twelve months, to be prosecuted in the name of the Attorney-General of Ontario in any court of competent jurisdiction.

55 V. c. 42, s. 355, repealed.

23. Section 355 of the said Act is repealed.

Rev. Stat. c. 187 not to apply to by-laws registered under 55 V. c. 42.

24. The provisions of *The Debentures Registration Act* shall not apply to by-laws registered under *The Consolidated Municipal Act, 1892*.

55 V. c 42, s. 413, sub-s. 1, amended.

25. Subsection 1 of section 413 of *The Consolidated Municipal Act, 1892*, as the same is enacted by section 10 of *The Municipal Amendment Act, 1893*, is amended by striking out all the words in the said subsection after the word "therefor" in the 9th line, and inserting the following words in lieu thereof:

Amount which may be procured by municipality as temporary loan

Provided that the amount so borrowed and outstanding shall not, at any time, exceed 80 per cent. of the amount collected as taxes to pay the ordinary current expenditure of the municipality in the preceding municipal year, and the powers by this section conferred shall not be exercised except for the purpose of meeting the ordinary expenditure of the municipality, and in the event of the council authorizing the borrowing of any larger sum than the said percentage, the members of the council who voted therefor shall be disqualified from holding any municipal office for the period of two years; Provided always, that the person or bank lending any sum to a municipal corporation under this section shall not be bound to establish the necessity of borrowing the same.

55 V. c 42, s. 421, amended.

26. Section 421 of *The Consolidated Municipal Act, 1892*, is amended by inserting the words "fine and" before the word "penalty" in the fourth line, and by striking out the words "of prosecution" in the sixth line, and by substituting the words "fine and" for the word "pecuniary" in the ninth line.

55 V. c. 42, s. 422, amended.

27. Section 422 of the said Act is amended by striking out the word "penalty" in the second line, and substituting the words "fine and penalty and costs," and by striking out the word "nearest" in the third line, and by inserting after the word "house" in the fourth line the words "of the county or municipality," and by adding at the end the following: "and with or without hard labour, unless such fine and penalty and costs, including the costs of the committal and conveyance to the common goal, house of correction, or lockup house are sooner paid."

Recovery of fines and penalties.

55 V. c. 42, s. 423*a*, sub-s. 1, amended.

28. Subsection 1 of section 423*a* of the said Act is amended by inserting after the word "fine" in the eighth line the words "and penalty," and by striking out all the words after the word "paid" in the tenth line down to and inclusive of the word "imprisoned" in the thirteenth line, and substituting the following: "and the convictions under the said by-laws, are hereby declared to be respectively good and valid, notwithstanding that, amongst other things, such by-laws authorize, and such convictions direct, the imprisonment of the accused," and by inserting after the word "that" in the eighteenth line the words "the provision of," and by inserting after the word "Act" in the nineteenth line the words "for committing the offender to prison in default of amongst other things the payments of costs, including the costs of the committal," and by striking out the words "heretofore made to quash a conviction under any by-law heretofore passed" in the twenty-second and twenty-third lines and substituting the following: "made before the 7th day of April, 1890, to quash a conviction under any by law passed before the day last mentioned."

Convictions directing imprisonment in certain cases to be good.

55 V. c. 42, s. 423*a*, sub-s. 2, amended.

29. Subsection 2 of the said section 423*a* is amended by inserting the word "the" after the word "of" in the first line, and by striking out the words "and mean" in the second line, and by substituting for the word "meant" in the third line the word "included."

55 V. c. 42, s. 479, sub-s. 18, amended.

30. Subsection 18 of section 479 of the said Act is amended by inserting after the word "such" in the first line the words "fines and."

55 V. c. 42, s. 479, sub-s. 19, amended.

31. Subsection 19 of the said section 479 is amended by striking out all the words after the word "labour" in the second line down to and inclusive of the word "fine" in the seventh line, and substituting the following: "in the common gaol, house of correction or lock up house of the county or municipality for any period not exceeding twenty-one days, in case of non-payment of the fine and penalty inflicted for breach of any of the by-laws of the council, and the costs, including the costs of the committal and conveyance to the common gaol, house of correction or lock-up house, and in case of there being no distress found out of which such fine and penalty and

costs," and by substituting for the words "the costs and fines inflicted" in the twelfth and thirteenth lines, the words "the fines and penalties inflicted and the costs aforesaid."

By-laws regulating traffic on sidewalks, etc.

32. The council of every municipality may, by by-law prohibit carriages, wagons, bicycles, sleighs, and other vehicles and conveyances of every description, and whatever the motive power, or any particular kind or class of such vehicles and conveyances, from being upon, or being used, drawn, hauled or propelled along or upon any sidewalks, pathways or footpaths, used by or set apart for the use of pedestrians, and forming part of any street, avenue, boulevard, bridge or other means of public communication or in or upon any avenue, boulevard, park, park-plot, garden or other place set apart for ornament or embellishment of the municipality, or for public recreation.

59 V. c. 51, s. 9, repealed.

33. Section 9 of *The Municipal Amendment Act, 1896*, is repealed and the following is substituted therefor:

By-laws of police commissioners regulating livery stables, etc.

9. Subsection 2*a* of section 436 of the said Act, as amended by section 11 of *The Municipal Amendment Act, 1899*, is amended by adding at the end thereof the following:

And shall pass a by-law or by-laws for regulating the hours of labour of persons employed in livery or boarding stables or as drivers of cabs, carriages or sleighs kept for hire within the said city, and may also pass by-laws for regulating the hours of labour of persons employed by the owners of horses, carts, trucks, omnibuses and other vehicles kept for hire within the said city, and for licensing drivers of cabs within the said city."

Paying damages or undertaking defence in actions against local board of health.

34. Where an action has been brought against the local board of health or any member of the council, or member, officer or employee of the local board of health of any municipality by any person who has suffered any damage by reason of any act or default on the part of such local board of health, or any member, officer or employee thereof, the municipality may assume the same or the defence thereof, and may pay any damages or costs for which such member, officer or employee may be or has become liable in respect thereof: this section shall not extend to or include a mere contractor with the corporation; nor any such member of the council or local board of health, or officer or employee who is such contractor, and by reason of whose act or neglect the damage was caused.

55 V. c. 42, s. 495, subs. 7, 9, amended.

35. Subsections 7 and 9 of section 495 of *The Consolidated Municipal Act, 1892*, are hereby amended by inserting the words "municipality or" before the word "county" where the same occurs in the said subsections.

55 V. c. 42, s. 495, amended.

36. The following additional subsection is added to section 495 of the said Act after subsection 8 thereof :

Grants to Toronto University.

"8*a*. And for making grants in aid of the said University or the said College, and the said city of Toronto may so grant to the said College water from the city water works, with or without any charge therefor."

55 V. c 42, amended.

37. *The Consolidated Municipal Act, 1892*, is amended by inserting therein the following as section 538*a* :

Agreements between adjoining municipalities as to maintenance of boundary road.

538*a*.—(1) The councils of adjoining townships may enter into an agreement for the maintenance and repair of any road forming the boundary between such townships, whereby each of such townships may undertake, for a term of years not to exceed ten years, to maintain and keep in repair any portion of such road for its whole width, and to indemnify and save harmless the other township from any loss or damage arising from want of repair of such portion.

(2) Any agreement so made, shall when confirmed by by-law of the council of each of the contracting townships, be registered in the registry office in the manner provided by subsection 1 of section 547 of this Act.

(3) After the registration of the by-laws confirming such agreement, each of the contracting corporations shall have sole jurisdiction over that portion of the road which it has undertaken to maintain and keep in repair, and shall be liable for all damages incurred by reason of neglect to maintain and keep the same in repair, in the same manner and to the same extent as in the case of any road lying wholly within and under the jurisdiction of such township ; and the other contracting corporation shall be relieved from all liability in respect to the maintenance and repair of such portion.

(4) Any such agreement heretofore made and entered into shall, after confirmation thereof, and registration of the confirming by-laws as aforesaid, be legal, valid and binding upon each of the said township municipalities, and the said townships shall severally have jurisdiction over and be liable for the maintenance and repair of portions of any road which is the subject of such agreement, according to the terms and tenor thereof.

55 V. c. 42, s. 545, amended.

38. Section 545 of the said Act is amended by adding, at the end, the words "by a three-fourths vote of the members thereof."

By-laws for granting aid in promotion of grain elevators.

39. The council of any municipality may pass by-laws for granting aid by way of bonus to promote the establishment of grain elevators, in the same manner and to the same extent and subject to the like terms and conditions as in the case of by-laws for granting aid for the promotion of iron smelting

works, and all the provisions of section 637*a* of *The Consolidated Municipal Act, 1892*, and the amendments thereto, shall apply to by-laws for granting aid to promote the establishment of grain elevators.

Powers conferred upon cities having certain population.

40. Wherever any power is conferred upon, or any provision of law relates to cities having "over" or "upwards" or "more than" or "exceeding" a specified population the sections relating to said powers shall be read as conferring the same upon or as relating to any city having a population equal to the number therein mentioned and it shall not be necessary that the population of the city should exceed the said number in order that the said powers should be exerciseable by, or that the said provisions should apply to such city. Unless otherwise provided the population shall for the purposes aforesaid be ascertained by the last census of the Dominion of Canada or by the last census taken thereafter under a by-law of the municipality.

59 V. c 52, s. 6, amended.

41. Section 6 of *The County Councils Act, 1896*, is amended by striking out all the words thereof after the word "force" in the 6th line thereof and substituting therefor the following:

Certain persons not qualified to be county councillors.

"Any person having the necessary qualification and not otherwise disqualified, who is a member of a local municipal council for the year in which nominations are to be held for the election of members of the county council shall be eligible for nomination and election as a member of the county council at such election, but no member of the council of a local municipality shall sit or vote as a county councillor and no clerk, treasurer, assessor or collector of a local municipality and no clerk or treasurer of a county shall be eligible for nomination or election as a county councillor or shall sit or vote at such county council. No person who has been nominated and is a candidate for election as a county councillor in any county council division shall, while he remains a candidate as aforesaid, be eligible for nomination or election as a member of the council of any local municipality."

59 V. c. 52, s. 17, amended.

42. Section 17 of *The County Councils Act, 1896*, is amended by adding at the end thereof the following words: "and except when so required to give a casting vote, no nominating officer shall vote at an election held for the county council division for which he is appointed."

55 V. c. 42, s. 21, amended.

43. Section 21 of *The County Councils Act, 1896*, is amended by inserting therein the following as subsection 1*a*:—

(1*a*) In case the nominating officer of the division in which the vacancy exists is dead, or is unable through illness or absence, or neglects or refuses to act, the warrant for a new election may be directed to some other person, and such person

shall act as nominating officer and shall have all the powers and perform all the duties of a nominating officer duly appointed under section 7 of this Act.

55 V. c. 42, s. 225, repealed.

44. Section 225 of *The Consolidated Municipal Act, 1892*, is repealed.

Election of warden.

45. The members elect of every county council shall, at their first meeting after a general election of members for the council, at which a majority of the full council are present, and after making the declaration of office and qualification, organize themselves as a council and elect one of themselves to be warden, and the warden so elected shall hold office until the first meeting in the succeeding year, when a new election of warden shall take place, and the warden chosen at such last mentioned election shall hold office until a new council is organized, as in this section provided.

Preamble.

46. Whereas by a Commission issued under the provisions of *The County Councils Act, 1896*, directed to His Honour William Warren Dean, Judge of the County of Victoria and His Honour Thomas Moore Benson, Judge of the United Counties of Northumberland and Durham, as Commissioners, the said Commissioners were empowered to divide the County of Lennox into county council divisions for the purposes of the said Act; and whereas by the words the "County of Lennox" in the said Commission it was intended to designate the County of Lennox and Addington: and whereas the said Commissioners in conformity with the said Act did so divide the County of Lennox and Addington and reported the said Division as intended by the said Commission;

County council division of Lennox and Addington confirmed.

Therefore it is enacted and hereby declared that the division of the said County of Lennox and Addington so made and reported by the said Commissioners is declared to be valid and sufficient to all intents and purposes and of the same force and effect as if the said Commission had directed the said Commissioners to divide the County of Lennox and Addington for the purposes of the said *County Councils Act*.

55 V. c. 48, s. 47, amended.

47. Section 47 of *The Consolidated Assessment Act, 1892*, is amended by inserting therein the following as subsection 1*a*:

Service of notice of assessment in certain cities.

(1*a*) In any city in which a by-law or by-laws shall have been passed under section 2 of *The Assessment Amendment Act, 1896*, notice of assessment shall be served upon persons resident or domiciled or having a place of business within the municipality, either personally or by leaving such notice in the office or place of business of such person in the municipality and where such office or place of business is situate in any public building or in any building the apartments of which are occupied by different persons as places of business, the notice shall be left with the person assessed, or in his absence

with some person employed in the particular office in which the person named in the notice is engaged, and if there be no such person then by leaving the same in the particular office in which the person assessed is employed or engaged.

48. Sections 55 and 56 of *The Consolidated Assessment Act, 1892*, shall not apply to any city. 55 V. c. 48, ss. 55 and 56 not to apply to cities.

49. Section 3 of *The Assessment Amendment Act, 1896*, is repealed. 59 V. c. 58, s. 3, repealed.

50.—(1) In every city the court of revision shall consist of three members, one of whom shall be appointed by the city council, and one by the mayor, and the third shall be the official arbitrator appointed for the city under *The Municipal Arbitrations Act*, and in the case of cities where there is no official arbitrator, the sheriff of the county shall be the third member. Courts of revision in cities, how constituted.

(2) In cities having a population of 100,000 or more, each member of such court of revision shall be paid at the rate of not more than $500 per annum for his services, and in cities having a population of more than 30,000 and less than 100,000, each member of such court shall be paid at the rate of not more than $300 per annum, and in other cities each member shall be paid such sum per annum as the council shall by by-law or resolution provide. Remuneration of members.

(3) No member of the city council, and no officer or employee of the city corporation shall be a member of the court of revision. Certain persons disqualified.

(4) The members of such court of revision shall be appointed as soon as practicable after the passing of this Act, and shall hold office for the current year and thereafter until their successors are appointed, but the mayor or council may each or either of them, after the organization of a new council and before the 1st day of March in any year, appoint a member of such court of revision in place of any member appointed by the mayor or council in a preceding year. Appointment of members.

(2) Two members of any court of revision under this section shall form a quorum, and upon the death or resignation of any member of any such court, a successor shall immediately thereafter be appointed by the authority which appointed the member so dying or resigning. In case of a vacancy in the office of sheriff, or if the sheriff is unable to act from any cause in cities where there is no official arbitrator the Registrar of deeds, whose office is in such city, shall act as the third member of the court during such vacancy or inability of the sheriff to act: Quorum. Filling vacancies.

55 V. c. 48, s. 76, subs. 1, amended.

51.—(1) Subsection 1 of section 76 of *The Consolidated Assessment Act, 1892*, is amended by striking out the figures "$50,000," in the 6th line, and inserting in lieu thereof the figures" $20,000."

55 V. c. 48, s. 76, subs. 2, amended.

(2) Subsection 2 of the said section 76 is amended by striking out the figures "$50,000," in the 6th line, and inserting in lieu thereof the figures " $20,000."

55 V. c. 48, s. 76, subs. 4, amended.

(3) Subsection 4 of the said section 76, as the same is enacted by *The Assessment Amendment Act, 1895*, is amended by adding at the end thereof the following words, " subject to appeal to the Court of Appeal."

55 V. c. 48, s. 76, subs. 6, repealed.

(4) Subsection 6 of the said section 76 is repealed.

55 V. c. 42, s. 76, amended.

(5) The said section 76 is further amended by adding at the end thereof the following as subsection 7 :

Appeal from board of county judges.

(7) An appeal shall lie to the Court of Appeal from any judgment or decision of the said judges or a majority of them, and subject to any Rule of court relating to such appeals, the procedure thereon shall be, as far as may be, the same as upon any appeal from a county court; and the appeal provided for by this subsection may be heard by three judges of the Court of Appeal, and the decision of such judges or a majority of them shall be final.

55 V. c. 48, s. 76*a*, amended.

(6) Section 76*a* of the said Act, as enacted by section 5 of *The Assessment Amendment Act, 1894*, is amended as follows :

Stating case for Court of Appeal.

(*a*) In paragraph 1 by inserting after the word " Act," in the 4th line, the words " or on any question which has arisen upon an appeal of a person, partnership or corporation assessed on one or more properties to an amount aggregating $10,000."

(*b*) In paragraph 2 by striking out the word " general " in the 2nd line.

By-laws dividing counties into districts for tax sale purposes.

52. For the purposes of tax sales the council of any county may by by-law divide the county into districts, each of which may contain one or more municipalities, and the by-law may as to each of such districts provide that thereafter the sales of land situate therein for arrears of taxes shall be held by the treasurer at such place in the district as may be named in the by-law, and every advertisement or notice of any such sale shall state the name or number of the district and the place therein at which the sale will be held.

55 V. c. 48, s. 170, subs. 2, amended.

53. Subsection 2 of section 170 of *The Consolidated Assessment Act, 1892*, is amended by striking out all the words therein after the word " taxes " in the eleventh line thereof.

54. Subsection 3 of the said section is amended by adding at the end thereof the following words: 55 V. c. 48, s. 170, subs. 3, amended.

"But the owner of any land so purchased by the local municipality shall not be at liberty to redeem the same except upon payment to the County Treasurer of the full amount of the taxes due, together with the expenses of sale, and the treasurer shall account to the local municipality for the full amount of taxes paid." Redemption of lands sold at tax sales.

55. Section 180 of the said Act is amended by adding at the end thereof the following: 55 V. c. 48, s. 180, amended.

"Provided, that if such lands have been purchased by the local municipality in which the same are situated under the provisions of subsection 3 of section 170 of this Act, the owner shall not be at liberty to redeem the same except upon payment of the full amount of taxes due, together with the expenses of sale, as provided in the said subsection." Redemption where lands purchased by local municipality.

56. Section 29 of *The Act respecting the Establishment of municipal institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing, Thunder Bay and Rainy River*, is repealed and the following substituted therefor: Rev. Stat. c. 115, s. 29, repealed.

(1) The council for the year following the return of the first assessment roll may by by-law adopt the assessment therein as finally revised as the assessment for that year. Time for taking assessment in districts.

(2). The council of any municipality established under this Act may by by-law alter and fix the time for making the assessment in the municipality, and may by by-law adopt the assessment of the preceding year as finally revised as the assessment (subject to revision, as herein provided for, in the case of the first assessment), on which the rate of taxation for that year shall be levied; provided always that a new assessment shall be made within a period of not more than three years from the date upon which the last assessment roll was finally revised.

57. Section 41 of *The Act respecting the establishment of municipal institutions in the Districts of Algoma, Muskoka Parry Sound, Thunder Bay and Rainy River*, is amended by striking out the figures "200" and "400" in the 4th line thereof, and substituting therefor, respectively, the figures "100" and "200." Rev. Stat. c. 185, s. 41, amended. Qualification of members of councils in districts.

58. Subsection 1 of section 73 of *The Consolidated Municipal Act* is amended by striking out the words "and in the said last named districts and provisional county, 5. In townships and incorporated villages, freehold to $200, or leasehold to $400," and inserting in lieu thereof the words "and in the said last named districts and provisional county, 5. In town- 55 V. c. 42, s. 73, subs. 1, amended.

ships and incorporated villages, freehold to $100, or leasehold to $200."

Appeals from engineer's report on repair of toll roads under Rev. Stat. c. 159 and 55 V. c. 42.

59. The appeal from the decision of the engineer provided for in section 104 of *The General Road Companies Act*, and in section 9 of the Act passed in the 53rd year of Her Majesty's reign, chaptered 42, shall lie to the Provincial Instructor in Road Making, instead of as heretofore to the Judge of the County Court, and the said sections are amended so far as the same relate to such appeal by substituting "the Provincial Instructor in Road Making" for "the Judge of the County Court" and "the Judge," wherever the said words appear therein, and the said, the Provincial Instructor in Road Making, shall have all the powers of the Judge of the County Court hearing an appeal from the engineer under either of the said Acts.

Rev. Stat. c. 215, amended.

60. *The Act respecting Pounds* is amended by inserting therein the following as section 3*a*:—

Notice to clerk as to animals impounded.

3*a*. Where any animal has been impounded the pound-keeper shall, within twenty-four hours, deliver to the Clerk of the Municipality a notice in writing containing a description of the color, age, and natural and artificial marks of the animal, as near as may be.

Rev. Stat. c. 198, s. 3, amended.

61. Section 3 of *The Act respecting Snow Fences* is hereby amended by striking out the word "owners" at the end of the ninth line and inserting instead thereof the word "occupant."

Rev. Stat. c. 214, ss. 11 and 13, amended.

62. Sections 11 and 13 of *The Act to impose a Tax on Dogs and for the Protecton of Sheep* are hereby amended by inserting the words "or lamb" after the word "sheep" wherever the said word "sheep" occurs in the sections named.

Rev. Stat. c. 199, s. 3, subs. 1, amended.

63. Subsection 1 of section 3 of *The Act to provide for the Crossing of Railways by Street Drains and Water Mains* is hereby amended by inserting after the word "contractor" in the second line the words "persons or company."

Rev. Stat. c. 212, s. 7, amended.

64. Section 7 of *The Act to make Provision for the Safety of Railway Employees and the Public* is hereby amended by inserting in the first line after the word "servant" the following words "his legal representatives and any person entitled in case of his death."

Rev. Stat. c. 216, s. 1, amended.

65. Section 1 of *The Act to prevent the Spread of Contagious Diseases among Horses and other Domestic Animals* is amended by striking out in lines 13 and 14 the following words, "registered by the Ontario Veterinary Association," and inserting in lieu thereof the words "authorized to practice in Ontario as a veterinary surgeon."

66. Section 1 of the Act passed in the 53rd year of Her Majesty's reign, chaptered —, entitled *An Act to make Further Provision for Preventing the Spread of Contagious Diseases among Horses* is amended by striking out the words "registered by the Council of the Agriculture and Arts Association of Ontario," in the fourth, fifth and sixth lines, and inserting in lieu thereof the words "authorized to practice in Ontario as a veterinary surgeon." 53 V. c. 65, s. 1, amended.

3—161

No. 161.

3rd Session, 8th Legislature, 60 Vict., 1897

BILL.

An Act to make further Provision respecting certain Matters of Municipal Law.

First Reading, 30th March, 1897.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 162.] BILL. [1897.

An Act respecting Police Magistrates.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Remuneration of County Police Magistrates.

1. Notwithstanding anything contained in the Revised Statutes respecting police magistrates, or any Act amending the same, the council of any county may by by law declare that the police magistrate appointed for such county, or for any part thereof, shall hold office without salary, or may by by-law fix any amount as a salary of such magistrate.

No. 162.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting Police Magistrates.

First Reading, 31st March, 1897.

Mr. HAGGERTY.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 163.] BILL. [1897.

An Act respecting Departmental Stores.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

By-laws in cities of more than 30,000 inhabitants, for special tax on departmental stores.

1. The council of any city having a population of over 30,000 inhabitants may pass a by-law or by-laws for the purpose of imposing upon any departmental store carrying on more than three distinct classes of business, a special tax in respect of each additional class of business ; and in imposing such business tax, the same may be regulated in and by by-law so as to provide either a uniform tax in respect of each additional distinct class of business or the same may be graded in such a manner as may seem proper ; provided that no such by-law shall be passed or take effect, under the authority of this Act without having been carried by a two-thirds vote of the members of the council present and voting thereon.

Commencement of Act.

2. This Act shall not take effect until the 1st day of January, 1898.

No. 163.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting Departmental Stores.

First Reading, 31st March, 1897.

Mr. MIDDLETON.

TORONTO.
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 164.] **BILL.** [1897.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 42, s. 495, subs. 3, cl. (*a*) amended.

Hawkers and peddlers.

1. Clause (*a*) of subsection 3 of section 495 of *The Consolidated Municipal Act, 1892*, is hereby amended by striking out the words "who being" in the second line and inserting in lieu thereof the words "not resident within the county or," and by inserting after the word "county" in the third line thereof the word "who," and by inserting after the word "tea" in the third line the word "coffee."

No. 164.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Municipal Act.

First Reading, 31st March, 1897.

Mr. GERMAN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 165.] BILL. [1897.

An Act to encourage the Manufacture of Railway Steel and Iron in the Province.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

In lieu of bonus an equivalent in railway steel and iron may be given.

1.—(1) Where the Legislature has heretofore authorized or shall hereafter authorize the payment of money to any railway company by way of subsidy, there may be delivered to the company, at the discretion of the Lieutenant-Governor in Council, as an equivalent for and in lieu of the bonus (wholly where so provided by the terms of the subsidy or agreed to by the company, and in other cases in part not exceeding fifty per cent. of such subsidy), railway steel or iron manufactured in Ontario from ore of which at least two-thirds has been obtained from Ontario mines; and Provincial scrip or certificates in payment of the steel or iron so delivered may be issued payable to the manufacturer by whom the same has been delivered in lieu of the railway company.

Interpretation, "Railway."

(2) The word "railway" in this Act means a railway operated by steam or other motive power.

"Railway steel or iron."

The expression "railway steel or iron" includes rails, girders, bridges and all members or parts thereof, and such other manufactures of steel or iron as are requisite and suitable for the construction of the permanent way.

Tenders to be invited.

2. Tenders shall be invited by public advertisement for supplies of railway steel or iron of such dimensions, weight and quality, and to be delivered at such times and places and upon such conditions as are specified and as have been determined on by the Lieutenant-Governor in Council.

Where difference between company and manufacturer.

3. Where the tenders are unsatisfactory, or where there is but one tender and the price at which the steel or iron is to be delivered to the railway company is matter of difference between the railway company and the manufacturer, the Lieutenant-Governor in Council shall determine the same.

Property in the steel or iron to remain in the Province until fixed as part of permanent way.

4. Unless and until properly applied and fixed as part of the permanent way such steel or iron, though delivered to the railway company, shall remain the property of the Province, and if not so applied and fixed to the satisfaction of the Lieutenant-Governor in Council within the period limited by the Order in Council, the Province may at any time after the expiration of that period enter, and resume possession of such steel or iron not then so applied and fixed, and may make other disposition of the same.

No. 165.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to encourage the Manufacture of Railway Steel and Iron in the Province.

First Reading, 31st March, 1897.

Mr. GIBSON
(Hamilton.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 166] **BILL.** [1897.

An Act to further improve the Mining Laws.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Clause 6 of section 2 of *The Mines Act 1892*, is hereby repealed, and the following substituted therefor: 55 V. c. 9, s. 2, cl. 6, repealed.

"Mining rights" shall mean the ores, mines and minerals on or under any land where the same are dealt with separately from the surface of the land. Mining rights

2. Section 4 of the said Act is amended by inserting after the word "ores" in clause (*c*) of subsection 1 the words "and minerals," and by inserting after the word "vein" in the sixth line of subsection 4 thereof the words "of the same ore or mineral." 55 V. c. 9, s. 4, subs. 1, amended.

3. Subsection 3 of section 4 of the said Act is hereby repealed and the following substituted therefor: 55 V. c. 9, s. 4, subs. 3, repealed.

(3) A prospector or explorer who is the first discoverer of valuable metals, ores or minerals shall be entitled, subject to the royalties provided by this Act, to a free grant of one location of forty acres where the vein, lode or other deposit is not less than fifteen miles from the nearest known mine, vein, lode or deposit of the same metal, ore or mineral respectively, and proofs of his being the first discoverer and of distance from the nearest known occurrence of the same metal, ore or mineral shall be made by affidavit to the satisfaction of the Commissioner of Crown Lands. Encouragement to first discoverer of ores or minerals.

4 Section 6 of the said Act is amended by inserting the word "to" between the words "roads" and "through" in the eighth line 55 V. c. 9, s. 6, amended.

55 V. c. 9, s. 7, amended.

5. Section 7 of the said Act is amended by adding thereto the following words:

Certain lands may be withdrawn.

"except such lands as may by the Lieutenant-Governor in Council be withdrawn from sale, location or exploration as being valuable for their pine timber or for any other reason, and any person attempting to explore, occupy or work any lands so withdrawn shall incur a penalty of $——, to be recovered in the manner provided in section 73.

55 V. c. 9, ss. 8, 9, repealed.

6. Sections 8 and 9 of the said Act are repealed, and the following section is substituted therefor:

Grants, leases and licenses.

8.—(1) Crown lands not situated within any mining division which are supposed to contain ores or minerals, and mining rights in lands the ores or minerals whereof have been reserved by the Crown, may be sold or leased as mining lands in blocks, sections or lots, to be called "mining locations."

(2) Where such Crown lands are situated within a mining division they may be occupied and worked as "mining claims" under miner's licenses as hereinafter provided.

55 V. c. 9, s. 11, amended.

7. Section 11 of the said Act is amended by striking out the word "with" in the seventh line and substituting therefor the words "within four months of the time of," and by adding at the end thereof the words, "and such surveyor's plan, field notes and description shall not be regarded as constituting a claim to the location on behalf of the party for whom or at whose instance they have been prepared, unless they shall be filed in the Department of Crown Lands immediately upon completion of the survey," and by adding thereto the following subsections:—

Conditions of application for mining locations.

(2) Every application for a mining location shall, in addition to the requirements of the foregoing subsection, be accompanied with an affidavit showing the discovery of valuable ore or mineral thereon by or on behalf of the applicant, and that there is no adverse claim by reason of prior discovery or otherwise, and every applicant shall within thirty days pay in to the Department of Crown Lands one-half of the purchase price or rental, and within sixty days the remaining one-half, the time to be reckoned from the date on which the application has been filed in the Department, and failing in respect of any of these requirements the application shall lapse and be of no effect: Provided, however, that in no case shall a patent or lease for a location in unsurveyed territory issue until a survey has been filed as required by this section, and that in the case of locations in surveyed townships the time for completing all requirements on the part of an applicant may be limited to twenty days at the discretion of the Commissioner of Crown Lands.

(3) No application shall be entertained in any one calendar year from any person for more than three hundred and twenty acres, nor from any firm, partnership, syndicate or incorporated company for more than six hundred and forty acres, within a radius of twenty-five miles in any one district or county of the Province, and such areas may be composed of separate locations of not less than forty acres each; and in the event of an application lapsing or becoming abandoned, the applicant therefor may apply for other mining land in the same district or county in place thereof, but so as not to exceed the limit herein provided; but where a locality or territory is reported or shown to be rich in ores or minerals, the Commissioner of Crown Lands may still further limit applicants to one or more locations of forty acres, at his discretion.

Limit of applications in counties and districts.

(4) In the case of applications for mining lands made prior to the commencement of this Act and not finally disposed of by the Commissioner of Crown Lands, the periods in which all requirements herein are to be completed shall date from the day of the commencement of this Act, and in all other respects the provisions of this section shall apply.

8. Section 12 of the said Act as amended by section 4 of the Act passed in the 57th year of Her Majesty's reign entitled *An Act relating to Mines and Mining Lands*, is amended by adding thereto the following subsection:

55 V. c. 9, s. 12, amended.

(3) Where a part or section of the Province is shown or reported to be rich in ores or minerals the Lieutenant-Governor in Council may withdraw the whole or a portion thereof from sale or lease, and set the same apart pending an exploration thereof or the prospecting of veins, lodes or other deposits of ores or minerals therein by the use of a diamond drill or otherwise, under direction of the Commissioner of Crown Lands, and may fix the price per acre at any greater sum than is hereinbefore provided, or may offer the same for sale at public auction, on such terms and conditions as may be specified in the Order in Council.

Withdrawal of territory pending exploration, with power to increase the price or rent rate.

9. Section 13 of *The Mines Act, 1892*, is repealed and the following section is substituted therefor:—

55 V. c. 9, s. 13, repealed.

13.—(1) The grantee or owner of any mining location sold and patented under the preceding section shall, during the seven years immediately following the issue of the patent therefor, expend in stripping or in opening up mines, in sinking shafts or in other actual mining operations, exclusive of all houses, roads and other like improvements, a sum not less than at the rate of $2 per acre during the first two years, and a sum not less than at the rate of $1 per acre during each remaining year of the said seven years, and the said expenditure may consist of labor actually performed by grown men to be com-

Working conditions under purchase or lease.

puted at the rate of $2 per man per day; but if two or more locations are contiguous, the whole of the mining work herein required may be done upon one of them.

(2) In default of such expenditure during the first two years or during any subsequent year of the said period of seven years, all rights connected with any such mining location, shall upon an Order in that behalf being made by the Lieutenant-Governor in Council, upon the report of the Director of the Bureau of Mines that such expenditure has not been made, revert to, and be vested in Her Majesty, her successors and assigns, for the public uses of the Province, freed and discharged of any interest or claim of any other person or persons whatsoever.

55 V. c. 9, s. 16, amended.

10. Section 16 of the said Act is amended by adding thereto the following subsection:

Failure to contribute in case of co-owners or co-lessees.

(2) Upon the failure of any one or more of several co-owners or co-lessees of a location to contribute his or their proportion of the expenditures or of the rental necessary to hold such location, the co-owners or co-lessees who have performed the labor or made the improvements or paid the rent as required by the provisions of this Act may at the expiration of the year give such delinquent co-owner or co-lessee or his or their personal representative in case of death personal notice in writing or notice by registered letter addressed to his or their last known place of abode calling upon him or them to make the necessary payment; and if upon the expiration of three calendar months from such notice the delinquent co-owner or co-lessee or his said representative shall have failed to contribute his proportion to meet such expenditures or improvements or rental as the case may be, upon report thereof by the Director of the Bureau of Mines, the Commissioner of Crown Lands may order that his interest in the location shall become the property of and be vested in his co-owners or co-lessees who have made the expenditures or improvements or paid the rent overdue as aforesaid, and the same shall vest in such co-owners or co-lessees accordingly; or if the Commissioner may think fit to refer the matter to the High Court, the Court shall have authority to make the like order.

(3) In case of the death of such person either before or after default in respect of his share, and no person has taken out administration to his estate or has obtained probate of his will, the notice provided for in the preceding subsection may be given to the heirs of such person.

55 V. c. 9, s. 19, repealed.

11. Section 19 of the said Act is hereby repealed and the following is substituted therefor:

Surface rights and mining rights.

19. The ores, minerals and mining rights that have been reserved to the Crown in any land may be granted or leased to the owner of the surface rights who applies therefor, unless a

patent or mining lease has been previously applied for by a person who is the first discoverer of valuable ore or mineral in or upon the premises, when such applicant shall have priority.

12. Section 25 of the said Act is amended by inserting after the word "appoint" in the first line the words "for the Province or any part thereof and" 55 V. c. 9, s. 25, amended.

13. Section 26 of the said Act is amended by inserting between the words "shall" and "possess" in the fifth line the words "reside therein or" 55 V. c. 9, s. 26, amended.

14. Sections 31, 32 and 33 of the said Act are repealed and the following are substituted therefor:— 55 V. c. 9, ss. 31, 32, 33, repealed.

Rights of a licensee.

31.—(1) A licensee having discovered a vein, lode or other deposit of ore or mineral within the division mentioned in his license, shall have the right to mark or stake out thereon a mining claim, providing that it is on Crown lands not withdrawn from location or exploration and is not included in a claim occupied by another licensee, or on lands the mines, minerals and mining rights whereof have been reserved by the Crown, and shall have the right to work the same or to transfer his interest therein to another licensee; and in case the surface rights have been granted, leased or located by the Crown to another person, the licensee must proceed as provided in sections 20 and 21 of the said Act.

Marking or staking out a mining claim.

(2) A mining claim shall be deemed to be marked or staked out when a discovery post of wood or iron on which is written or stamped the name of the licensee is planted upon an outcropping or other indication of ore or mineral within the boundaries of the said claim, and a post of wood or iron is planted at each of the four corners in the order following, viz: No. I at the northeast corner, No. II at the southeast corner, No. III at the southwest corner and No. IV at the northwest corner, the number in each case to be on the side of the post turned towards the post which follows in the order in which they are named; and if one or more corners of a claim fall in any situation where the nature or shape of the ground renders the planting of a post or posts impracticable, such corner or corners may be indicated by placing at the nearest suitable point a witness post, which in that case shall contain the same marks as those prescribed herein for corner posts, together with the letters W. P. and an indication of the bearing and distance of the site of the true corner from such witness post.

Not more than one claim to be staked out on same vein.

(3.) No more than one claim shall be staked out by any individual licensee upon the same vein, lode or deposit of ore or mineral, unless such claim is distant at least three miles from the nearest known mine or discovery on the same vein or lode.

Waterpower.

(4) A valuable waterpower lying within the limits of a claim shall not be deemed as part of it for the uses of the licensee.

Mining claim.

32. A mining claim shall be a square of fifteen chains, or 990 feet, containing twenty-two and one-half acres.

Boundaries of mining claim.

33. Each mining claim shall be laid out with boundary lines running north and south and east and west astronomically, and the measurements of each claim shall be horizontal, and the ground included in each claim shall be deemed to be bounded under the surface by lines vertical to the horizon.

15. Section 34 of the said Act is amended by striking out all words beginning with "give" in the sixth line and ending with "book" in the eleventh line, and substituting therefor the following:

Filing a licensee's plan and record.

"supply to the inspector of the division an outline sketch or plan thereof showing the discovery and corner posts, and witness posts (if any), and their distances from each other in feet, together with a notice in writing setting forth the name of the licensee and the number of his license, the name (if any) of the claim and its locality as indicated by some general description or statement, the time when the same was marked or staked out, the length of the boundary lines if for any cause they are not regular and the nature of such cause, the situation of the discovery post as indicated by distance and direction from the first corner post, the time when the claim was marked or staked out, and the date of the record; and the inspector shall forthwith enter the particulars of the notice in his book, and shall file the notice and sketch or plan with the records of his office;'

Proviso as to working conditions in northern districts.

16. Section 35 of the said Act is amended by adding thereto the following words at the end thereof:

"and shall report all extensions so made by him monthly or oftener to the Director of the Bureau of Mines: Provided also that in those parts of the Province lying to the north of French river, lake Nipissing and Mattawa river, and extending thence to the western limits of the Province, no forfeiture shall be incurred by reason of the non-working of a mining claim between the first day of December and the first day of April following; but in any case actual mining operations must be carried on upon claims taken up in the said territory for at least eight months in every calendar year, saving as is provided herein."

55 V, c. 9, ss. 37, 39, repealed.

17. Sections 37 and 39 of the said Act are hereby repealed.

55 V. c. 9, s. 41, amended.

18. Section 41 of the said Act is amended by inserting after the word "parties" in the third line the words, "as a roadway for all purposes for which the same may be required," and after the word "stream" in the fourth line the words "or lake or pond."

19. Section 42 of the said Act is amended by striking out the words "mode of access to the water" in lines three and four and substituting therefor the word "roadway." 55 V. c. 9, s. 42, amended.

20. Sections 44 and 50 of the said Act are hereby repealed 55 V. c. 9, ss. 44, 50, repealed

21. Section 52 of the said Act is amended by striking out the words "this part of" where these words occur in line 4. 55 V. c. 9, s. 52, amended

22. Section 55 of the said Act is amended by inserting after the word "ground" in the fourth line the words "on Sunday or," 55 V. c. 9, s. 55, amended.

23. Subsection 2 of section 58 of the said Act is amended by adding thereto the words, "provided such owner, agent or employer shall immediately upon discovery of the fact discharge such boy from such employment," 55 V. c. 9, s. 58, amended.

24. Subsection 1 of section 60 of the said Act is amended by striking out the words "first day of December" in the second line and inserting instead thereof the words "fifteenth day of January," and by striking out the word "October" in the fourth line and inserting instead thereof the word "December," and is further amended by adding to the end of the first sub-section thereof the words "and the owner or agent of every metalliferous mine shall if required make similar returns at the end of each month or quarter of the calendar year for such month or quarter in order that the same may be tabulated for publication by the Director of the Bureau under the instructions of the Commissioner of Crown Lands; and for the purpose of collecting the data of such statistics the Director of the Bureau of Mines shall prepare the required schedules and send the same by mail to be filled up and returned by the owner or agent of every such mine, quarry or works in the Province." 55 V. c. 9, s. 60, subs. 1, amended. Provision for monthly or quarterly returns.

25. Section 63 of the said Act is hereby repealed, and the following substituted therefor: 55 V. c. 9, s. 63, repealed.

63.—(1) For the prevention of accidents where any mine has been abandoned or the working thereof has been discontinued, the owner or lessee, or other person interested in the minerals of the mine shall cause the top of the shaft and all entrances from the surface, as well as all other pits and openings dangerous by reason of their depth, to be and to be kept securely fenced; and if any person fail to act in conformity with this section he shall be guilty of an offence against this Part, and any shaft, entrance, pit or other opening which is not fenced as aforesaid shall be deemed to be a nuisance. Fencing of abandoned mine.

26. Section 65 of the said Act is amended by striking out the word "Part" and the words "to which this Part applies" where they occur respectively in the first, second and third 55 V. c. 9, s. 65, amended.

clauses thereof, and by striking out of the fourth clause the words "carrying this Part into effect" and substituting therefor the words "ensuring the health and safety of miners and all other persons employed in or about mines and mining works."

55 V. c. 9, s. 74, amended.

27. Section 74 of the said Act is amended by inserting the word "ordinarily" after "transit" in line 2 of Rule 4, and adding at the end thereof the words "and such certificate shall be conclusive as to the matters therein stated": and by inserting the word "convenient" before "access" in line 3 of Rule 5; and furthermore by adding after the word "shaft" in line 6 of Rule 6 the words "and all other pits or openings dangerous by reason of their depth upon which work has been discontinued," and by striking out all the words after the word "fenced" in the same line.

No. 166.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL

An Act to further improve the Mining Laws.

First Reading, 31st March, 1897.

Mr. GIBSON,
(Hamilton).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 167.] **BILL.** [1897.

An Act to provide for the Consolidation of the Statutes of Ontario.

Preamble. WHEREAS by two several Commissions issued by the Lieutenant-Governor in Council dated respectively the 23rd day of May, 1896, and the 12th day of September, 1896, the Honourable John Alexander Boyd, Chancellor of Ontario and President of the High Court of Justice: the Honourable Featherston Osler, one of the Justices of the Court of Appeal; the Honourable John Douglas Armour, Chief Justice of the Queen's Bench: the Honourable James Maclennan, one of the Justices of the Court of Appeal: the Honourable Sir William Ralph Meredith, Chief Justice of the Common Pleas: the Honourable Thomas Ferguson, the Honourable John Edward Rose, and the Honourable William Glenholme Falconbridge, Justices of the High Court: the members of the Executive Council of the Province of Ontario, and James Pliny Whitney, Esquire, Byron Moffatt Britton, Esquire, John Galloway Scott, Esquire, and Thomas Langton, Esquire, of Her Majesty's counsel learned in the law, and Allan Malcolm Dymond, Esquire, Law Clerk of the Legislative Assembly, were appointed Commissioners for the purpose of consolidating the Public Statutes of this Province: and whereas the said the Honourable John Douglas Armour has tendered his resignation as a member of the said Commission, and the said resignation has been accepted: and whereas James Thompson Garrow, Esquire, one of Her Majesty's counsel learned in the law, was, by Commission bearing date the 30th day of March, 1897, added as a Ccommissioner: and whereas the said Commissioners have not been able to complete the consolidation of the said Statutes, but will complete the same at an early date, except so far as alterations and additions are rendered necessary by the legislation of the present session: and whereas it is in the public interest that the said consolidation should as soon as practicable and prior to the holding of another Session of this Legislature be issued and authorized as the Revised Statutes of this Province.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Printed roll to be deposited with Clerk of Legislative Assembly.

1. So soon as the said Commissioners shall report, in writing, signed by a majority of them, and by the Chairman, the completion of the said consolidation, including therein such Acts and parts of Acts passed during the present Session as the Lieutenant-Governor may deem advisable to be included, the Lieutenant-Governor may cause a printed roll thereof attested under his signature and countersigned by the Provincial Secretary to be deposited in the office of the Clerk of the Legislative Assembly.

Schedule of Acts repealed.

2. There shall be appended to the said roll a schedule similar in form to Schedule A appended to *The Revised Statutes of 1887*, showing the Acts and parts of Acts which are embodied in the said roll and showing in the third column thereof the extent to which the Acts and parts of Acts in the said Schedule are from the time of the coming in force of the Revised Statutes contained in the said roll to be repealed; and the Commissioners may include in the said Schedule all Acts and parts of Acts which, though not expressly repealed, were superseded by the Acts so consolidated, or are inconsistent therewith, and all parts of such Acts which were for a temporary purpose the force of which is spent.

Proclamation declaring Statutes in force.

3. The Lieutenant-Governor in Council after the deposit aforesaid of the said roll may by proclamation declare the day from and after which the same shall come into force and have effect as law by the designation of "The Revised Statutes of Ontario, 1897."

Effect of proclamation.

4. On and from such day the same shall accordingly come into force and effect by the said designation to all intents as though the same were expressly embodied in and enacted by this Act to come into force and have effect on and from such day; and on and from the same day all the enactments in the several Acts and parts of Acts in the said Schedule mentioned shall so far as they relate to this Province stand and be repealed to the extent mentioned in the third colume of the said Schedule save only as hereinafter is provided.

Repeal not to extend to Acts over which the Dominion Parliament has jurisdiction.

5. Such repeal shall not be construed as intended to extend to such of the provisions of said Acts and parts of Acts as relate to subjects in regard to which the Parliament of Canada has exclusive powers of legislation; but the said Acts and parts of Acts (in so far only as is necessary to give effect to every such provision) shall remain in full force and effect, subject however, to section 8 of this Act.

6. The repeal of the said Acts and parts of Acts shall not revive any Act or provision of law repealed by them; nor shall the said repeal prevent the effect of any saving clause in the said Acts and parts of Acts or the application of any of the said Acts or parts of Acts or of any Act or provision of law formerly in force, to any transaction, matter or thing anterior to the said repeal, to which they would otherwise apply.

Saving as to transactions, etc., anterior to the repeal.

7.—(1) The repeal of the said Acts and parts of Acts shall not affect

Certain matters anterior to the repeal not to be affected by it.

(*a*) Any penalty, forfeiture or liability incurred before the time of such repeal, or any proceedings for enforcing the same, had, done, completed or pending at the time of such repeal,

Penalties, etc.

(*b*) Nor any action, suit, judgment, decree, certificate, execution, process, order, rule, or any proceeding, matter or thing whatever respecting the same, had, done, made, entered, granted, completed, pending, existing, or in force at the time of such repeal,

Actions, etc.

(*c*) Nor any act, deed, right, title, interest, grant, assurance, descent, will, registry, by-law, rule, regulation, contract, lien, charge, matter or thing, had, done, made, acquired, established or existing at the time of such repeal,

Acts, deeds, rights, etc.

(*d*) Nor any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto, at the time of such repeal,

Offices, etc.

(*e*) Nor any marriage, certificate or registry thereof, lawfully had, made, granted or existing before or at the time of such repeal,

Marriages, etc.

(*f*) Nor shall such repeal defeat, disturb, invalidate or prejudicially affect any other matter or thing whatsoever, had, done, completed, existing or pending at the time of such repeal.

And other matters, etc.

(2) But every such

But the same shall remain valid, etc.,

Penalty, forfeiture and liability, and every such

Action, suit, judgment, decree, certificate, execution, prosecution, order, rule, proceeding, matter or thing, and every such

Act, deed, right, title, interest, grant, assurance, descent, will, registry, by-law, rule, regulation, contract, lien, charge, matter or thing, and every such

Office, appointment, commission, salary, allowance, security, and duty, and every such

Marriage, certificate and registry thereof, and every such other matter and thing, and the force and effect thereof, respectively

and may be enforced, etc., and under what laws.

may and shall remain and continue as if no such repeal had taken place, and so far as necessary, may and shall be continued, prosecuted, enforced and proceeded with under the said Revised Statutes and other the statutes and laws having force in this Province, so far as applicable thereto, and subject to the provisions of the said several statutes and laws.

Revised Statutes no to be deemed new laws.

8.—(1) The said Revised Statutes shall not be held to operate as new laws, but shall be construed and have effect as a consolidation of the law as contained in the said Acts and parts of Acts so repealed, and for which the said Revised Statutes are substituted, and the Legislature is not to be deemed to have adopted the construction which may by judicial decision, or otherwise, have been placed upon the language of any of the statutes included amongst the said Revised Statutes.

How construed where the same in effect as the repealed Acts.

(2) The various provisions in the Revised Statutes corresponding to and substituted for the provisions of the Acts and parts of Acts so repealed, shall, where they are the same in effect as those of the Acts and parts of Acts so repealed, be held to operate retrospectively as well as prospectively, and to have been passed upon the days respectively upon which the Acts and parts of Acts so repealed came into effect,

How construed if in any case they differ from the repealed Acts.

(3) If upon any point the provisions of the said Revised Statutes are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then as respects all transactions, matters and things, subsequent to the time when the said Revised Statutes take effect, the provisions contained in them shall prevail, but as respects all transactions, matters and things anterior to the said time, the provisions of the said repealed Acts and parts of Acts shall prevail.

Marginal note and headings.

(4) The marginal notes and headings in the body of the said Revised Statutes and references to former enactments, and sections printed in bourgeois type which may appear thereon, shall be held to form no part of the said Statutes but to be inserted for convenience of reference only.

As to references to repealed Acts in former Acts, etc.

9. Any reference in any former Act remaining in force, or in any instrument or document, to any Act or enactment so repealed, shall, after the Revised Statutes take effect, be held, as regards any subsequent transaction, matter or thing, to be a reference to the enactments in the Revised Statutes having the same effect as such repealed Act or enactment.

10. The insertion of any Act in the said Schedule A shall not be construed as a declaration that such Act or any part of it was or was not in force immediately before the coming into force of the said Revised Statutes. As to effect of insertion of an Act in schedule A.

11. Copies of the said Revised Statutes, printed by the Queen's Printer from the roll so deposited, shall be received as evidence of the said Revised Statutes in all Courts and places whatsoever. Copies printed by Queen's Printer to be evidence.

12. The laws relating to the distribution of the printed copies of the Statutes shall not apply to the said Revised Statutes, but the same shall be distributed in such numbers and to such persons only as the Lieutenant-Governor in Council may direct. As to distribution of copies.

13. This Act shall be printed with the said Revised Statutes, and shall be subject to the same rules of construction as the said Revised Statutes. This Act to be printed with Revised Statutes.

14. Any chapter of the said Revised Statutes may be cited and referred to in any Act or proceeding whatever, either by its title as an Act, or by its short title, or by using the expression "The Revised Statute respecting—" (adding the remainder of the title given at the beginning of the particular chapter), or by using the expression "The Revised Statutes of Ontario, 1897, chapter " (adding the number of the particular chapter in the copies printed by the Queen's Printer). How they may be cited.

No. 167.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to provide for the Consolidation of the Statutes of Ontario.

First Reading, 31st March, 1897.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty,

No. 168.] **BILL.** [1897.

An Act relating to the Election of Members of the Legislative Assembly.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act shall be read as section 177(*a*) of *The Election Act, 1892*. 55 V. c. 3, amended.

177(*a*) Whereas by the judgment of the trial judges George Tucker, who at the election held in June, 1894, had been returned as elected to represent the Electoral District of the West Riding of the County of Wellington in the Legislative Assembly of Ontario, was; in consequence of his having furnished refreshments to electors while a candidate at such election, found guilty of a violation of section 154 of *The Ontario Election Act, 1892*, and thereupon became subject to the penalties imposed by section 164 of the said Act; and whereas it is expedient that the said Tucker should under the circumstances be relieved from further punishment for the said acts; it is therefore enacted that the said Tucker is hereby relieved from the said penalties and shall not, notwithstanding the judgment of the said trial judges or its affirmation by the Court of Appeal, henceforth be incapable of being elected to the Legislative Assembly and of sitting therein, or of being entered in a voters' list or poll book as a voter or of voting at any election or of holding any office at the nomination of the Crown or of the Lieutenant-Governor of Ontario or any municipal office [*vide* 47 V. c. 4, s. 49] by reason only of said judgment and its affirmation as aforesaid. George Tucker relieved from disqualification.

No. 168.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act relating to the Election of Members of the Legislative Assembly.

First Reading, 1st April, 1897.

Mr. McKay,
(Oxford).

TORONTO:
Printed by L. K. Cameron,
Printer to the Queen's Most Excellent Majesty.

No. 169.] BILL. [1897.

An Act to make further provision respecting the Interpretation and Construction of Statutes.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Application of Act.

1. This Act and each provision thereof shall extend and apply to every Act of the Legislature of Ontario passed during the present or any subsequent session of the said Legislature, except in so far as the provision is inconsistent with the intent and object of such Act, or the interpretation which such provision would give to any word, expression or clause is inconsistent with the context, and except in so far as any provision thereof is in any such Act declared not applicable thereto. R. S. O. 1887, c. 1, s. 7, (1).

Meaning of "oath," "affidavit."

2.—(1) The words "oath" and "affidavit" shall in the case of persons for the time being allowed by law to affirm or declare instead of swearing, include affirmation and declaration; the word "swear" in the like case shall include affirm and declare, and "sworn" shall include affirmed and declared. Imp. Act 52-53 V. c. 63, s. 3, part; R. S. O. 1887, c. 1, s. 8 (18)

Officer administering oath.

(2) In every case where an oath, affirmation or declaration is directed to be made before any person or officer, such person or officer shall have full power and authority to administer the same and to certify to its having been made. R. S. O. 1887, c. 1, s. 8 (18) part.

Rev. Stat. c. 1, s. 8, subs. 18, repealed.

(3) This section is substituted for clause 18 of section 8 of *The Interpretation Act.*

Rules of court.

3.—(1) The expression "rules of court" when used in relation to any court shall mean rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of such court.

Authority to make rules, effect of.

(2) The power of the said authority to make rules of court as above defined shall include a power to make rules of court for the purpose of any Act directing or authorizing anything to be done by rules of court. Imp. Act 52-53 V., c. 63, s. 14.

What may be done under an Act before the date fixed for its commencement.

4. Where an Act is not to come into operation immediately on the passing thereof, and confers power to make any appointment, to make, grant or issue any instrument, that is to say, any Order in Council, order, warrant, scheme, letters patent, rules, regulations, or by-laws, to give notices, to prescribe forms, or to do any other thing for the purposes of the Act, that power may, unless the contrary intention appears, be exercised at any time after the passing of the Act, so far as may be necessary or expedient for the purpose of bringing the Act into operation at the date of the commencement thereof, subject to this restriction that any instrument made under the power shall not, unless the contrary intention appears in the Act, or the contrary is necessary for bringing the Act into operation, come into operation until the Act comes into operation. Imp. Act 52-53 V., c. 63, s. 37.

Expressions used in instruments issued under any Act to have same meaning as in

5. Where any Act confers power to make, grant or issue any instrument, that is to say, any Order in Council, order, warrant, scheme, letters patent, rules, regulations or by-laws, expressions used in the instrument, if it is made after the 31st day of December, 1897, shall, unless the contrary intention appears, have the same respective meanings as in the Act conferring the power. Imp. Act 52-53 V., c. 63, s. 31.

Repeal of provisions and substitution of other enactments, effect of.

6. Whenever any Act or part of an Act is repealed, and other provisions are substituted by way of amendment, revision or consolidation, any reference in any unrepealed Act, or in any rule, order or regulation made thereunder to such repealed Act or enactment, shall, as regards any subsequent transaction, matter or thing, be held and construed to be a reference to the provisions of the substituted Act or enactment relating to the same subject matter as such repealed Act or enactment;

Proviso

Provided always, that where there is no provision in the substituted Act or enactment relating to the same subject matter, the repealed Act or enactment shall stand good, and be read and construed as unrepealed in so far, but in so far only, as is necessary to support, maintain or give effect to such unrepealed Act, or such rule, order or regulation made thereunder. R. S. C. 1886, c. 1, s. 7 (51).

When substituted provisions to take effect.

7. Whenever part of an Act is repealed and any provision substituted therefor is incorporated in such Act, unless the contrary is expressly declared, such substituted provision shall take effect from the date of the commencement of the repealing Act, and the expression "the commencement of this Act" when used in the provision so substituted shall mean the commencement of the repealing Act.

8. The repeal of any Act or part of an Act shall not be deemed to be or to involve a declaration that such Act, or the part thereof so repealed, was, or was considered by the Legislature to have been, previously in force. 53 V. (Dom.) c. 7, s. 1 (58). Repeal of Act not a declaration that Act was in force.

9. The amendment of any Act shall not be deemed to be or to involve a declaration that the law under such Act was, or was considered by the Legislature to have been, different from the law as it has become under such Act as so amended. 53 V. (Dom.) c. 7, s. 1 (59). Amendment of Act not a declaration of different state of the law.

10. The repeal or amendment of any Act shall not be deemed to be or to involve any declaration whatsoever as to the previous state of the law. 53 V. (Dom.) c. 7, s. 1 (60). Repeal of amendment not a declaration of previous state of the law.

11. The Legislature shall not, by re-enacting an Act or part of an Act, or by revising, consolidating or amending the same, be deemed to have adopted the construction which has by judicial decision or otherwise, been placed upon the language used in such Act or upon similar language. 53 V. (Dom.) c. 7, s. 1 (61). Re-enactment, consolidation, etc., not an adoption of judicial construction.

12. Where reference is made by number to two or more sections, subsections or clauses, in any statute the number first mentioned and the number last mentioned shall both be deemed to be included in the reference. References to numbers of sections to include first and last number.

13. Where an Act or omission constitutes an offence under two or more Acts, or an offence both under an Act and at common law, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those Acts or at common law, but shall not be liable to be punished twice for the same offence. Imp. Act 52-53 V. c. 63, s. 33. Offences involving liability to punishment under more than one Act, etc.

No. 169.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to make further provision respecting the Interpretation and Construction of Statutes.

First Reading, 1st April, 1897.

THE ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 170.] BILL. [1897.

An Act respecting Evidence.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Copies of Canadian and Provincial Statutes as evidence.

1. In any proceeding in respect of which the Legislature of Ontario has jurisdiction in this behalf, whenever it becomes necessary or expedient to prove or give in evidence any statute of Canada or of this Province, or of any other Province, or of any Territory in Canada, or of the late Province of Canada, whether such statute was passed before or after the passing of *The British North America Act, 1867*, any copy of any such statute purporting to be printed and published by the Queen's Printer for the Dominion or for such Province or Territory, or by the Government Printer for such Province or Territory, shall be receivable and received in evidence to prove the contents thereof in every court or tribunal having cognizance of such proceeding. R. S. C. 1886, c 139, s. 2.

Proclamations, Orders in Council, etc., of Government of Canada, how proved.

2. *Prima facie* evidence of any proclamation, order, regulation or appointment made or issued by the Governor-General or by the Governor in Council or other chief executive officer or Administrator for the time being of the Government of Canada, or by or under the authority of any minister or head of any department of the Government of Canada may be given in every court or tribunal, and in all legal proceedings whatsoever, in respect of which the Legislature of this Province has authority to enact this provision, in any of the modes hereinafter mentioned, that is to say:

(a) By the production of a copy of the *Canada Gazette*, or of a volume of the Acts of the Parliament of Canada purporting to contain a notice of such proclamation, order, regulation or appointment;

(b) By the production of a copy of such proclamation, order, regulation or appointment, purporting to be printed by the Queen's Printer for Canada; or,

(c) By the production, in the case of any proclamation, order, regulation or appointment made or issued by the Governor-General or by the Governor in Council, or other chief executive officer or Administrator as aforesaid, of a copy or extract purporting to be certified to be a true copy by the clerk or assistant or acting clerk of the Queen's Privy Council for Canada, and in the case of any order, regulation or appointment made or issued by or under the authority of any such minister or head of a department, by the production of a copy or extract purporting to be certified as true by the Minister or by his deputy or acting deputy, or by the secretary or acting secretary of the department over which he presides. R. S. C. 1886, c. 139, s. 3

Proclamations, Orders in Council, etc., of Provincial Government, how proved.

3. *Prima facie* evidence of any proclamation, order, regulation or appointment made or issued by a Lieutenant Governor or Lieutenant-Governor in Council of this or any other Province of Canada, or of any Territory of Canada, or other chief executive officer or Administrator for the time being of the Government of the Province or Territory, or by or under the authority of any member of the Executive Council, being the head of any department of the Government of the Province or Territory may be given in every court or tribunal and in all legal proceedings in respect of which the Legislature of this Province has authority to enact this provision in any of the modes hereinafter mentioned, that is to say:

(a) By the production of a copy of the official Gazette for the Province or Territory purporting to contain a notice of such proclamation, order, regulation or appointment;

(b) By the production of a copy of such proclamation, order, regulation or appointment purporting to be printed by the Queen's Printer or the Government Printer for the Province or Territory; or

(c) By the production of a copy or extract of such proclamation, order, regulation or appointment certified to be a true copy by the clerk or assistant or acting clerk of the Executive Council, or by the head of any department of the Provincial Government or Territorial Government, or by his deputy or acting deputy, as the case may be. R. S. C. 1886, c. 139, s. 4.

4. No proof shall be required of the handwriting or official position of any person certifying in pursuance of this Act or of *The Evidence Act*, to the truth of any copy of or extract from any proclamation, order, regulation or appointment; and any such copy or extract may be in print or in writing, or partly in print and partly in writing. R. S. C. 1886, c. 139, s. 5.

Proof of handwriting not required on official certificates attached to copies put in evidence.

5. Any order in writing, signed by the Secretary of State of Canada, and purporting to be written by command of the Governor-General, shall be received in evidence as the order of the Governor-General. R. S. C. 1886, c. 139, s. 6.

Orders signed by Secretary of State.

6. All copies of official and other notices, advertisements and documents printed in the *Canada Gazette* or in the *Ontario Gazette* shall be *prima facie* evidence of the originals, and of the contents thereof. R. S. C. 1886, c. 139, s. 7.

Notices in *Gazette*.

7. In every court or tribunal, and in all legal proceedings in respect of which the Legislature of this Province has authority so to enact, a copy of any entry in any book of account kept in any department of the Government of Canada or of this Province, shall be received as *prima facie* evidence of such entry, and of the matters, transactions and accounts therein recorded, if it is proved by the oath or affidavit of an officer of such department that such book was, at the time of the making of the entry, one of the ordinary books kept in such department, that the entry was apparently, and as the deponent believes, made in the usual and ordinary course of business of such department, and that such copy is a true copy thereof. R. S. C. 1886, c. 139, s. 8.

Entries in departmental books to be *prima facie* evidence.

8. The provisions of this Act shall be deemed to be in addition to and not in derogation of any powers of proving documents given by any existing statute or existing at common law. R. S. C. 1886, c. 139, s. 9.

Act to extend and not to limit modes of proof under existing law.

9. The clause numbered 37 of section 8 of *The Interpretation Act* is amended by striking out the last four lines thereof, and sections 21 and 22 of *The Evidence Act* are repealed.

Rev. Stat. c. 1, s. 37, cl. 8, amended.
Rev. Stat. c. 61, s. 22, repealed.

No. 170.

3rd Session, 8th Legislature, 60 Vict, 1897.

BILL.

An Act respecting Evidence.

First Reading, 1st April, 1897.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the Queen's Most Excellent Majesty.

No. 171.] **BILL.** [1897.

An Act in relation to Rondeau Provincial Park

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Ordnance lands when transferred to Province to be part of Rondeau Park.

1. Any lands now held by the Crown as representing the Government of the Dominion of Canada on Rondeau Point or Pointe aux Pins in the township of Harwich and county of Kent as ordnance lands or otherwise, and consisting of a block of land comprising the south forty acres of lot 11 and all of lots 12, 13 and 14 on Lake Erie on the said Rondeau Point or Pointe aux Pins, and containing 500 acres more or less, which may hereafter be transferred to the Crown as representing the Government of the Province of Ontario, shall, upon such transfer, be included within the Rondeau Provincial Park as part thereof, and all the provisions of *The Rondeau Provincial Park Act*, or of any other Act, or of any rules or regulations made under any of the said Acts relating to the said Park shall apply to the lands so transferred.

57 V. c. 15.

No. 171.

3rd Session, 8th Legislature, 60 Vict., 1897.

An Act in relation to Rondeau Provincial Park.

First Reading, 1st April, 1897.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 172.] **BILL.** [1897.

An Act respecting the Granting of Passes or other special Privileges to Members of the Legislative Assembly.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Passes or special railway privileges to disqualify recipient

1. Every person entitled to travel free of charge or at a reduced rate or enjoying any other special privilege by virtue of any pass or other document issued or granted to him for the whole or part of his term of office as a member of the Legislative Assembly by any railway company carrying on business in this province, shall, by the acceptance or use of such pass or other document, become disqualified to be a member of the Legislative Assembly, and shall not sit or vote therein during the period for which such pass or other document or privilege shall be so issued or granted, under the penalties prescribed by section 14 of *The Act respecting the Legislative Assembly*.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Granting of Passes or other special Privileges to Members of the Legislative Assembly.

First Reading, 1st April, 1897.

Mr. HAYCOCK.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 173. BILL. [1897.

An Act to amend the Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

R.S.O. c 164, ss 2-7 repealed. Mode of incorporation.

1. Proceedings for the incorporation of companies for supplying cities, towns and villages with gas and water shall hereafter be taken under *The Ontario Joint Stock Companies' Letters Patent Act* (or any Act substituted therefor during the present Session of the Legislature), and sections 2 to 7 inclusive of chapter 164 of the Revised Statutes of Ontario, 1887, are hereby repealed and the following substituted therefor :—

1. Any company heretofore or hereafter incorporated under this Act for the purpose of supplying any city, town, incorporated village, township or other municipality with gas or water, or with both gas and water, shall be subject to the provisions of this Act, and also to those of *The Ontario Joint Stock Companies' Letters Patent Act* (or other Act substituted therefor as aforesaid) so far as the provisions of such latter Act are applicable and consistent with those of this Act; provided always that the Lieutenant-Governor in Council may relieve any company heretofore incorporated under this Act from compliance with any of the provisions of the said *Ontario Joint Stock Companies' Letters Patent Act* (or other Act substituted therefore as aforesaid) as may be deemed expedient.

Limit of capital stock.

2. The amount of the capital stock of any such company so incorporated for supplying a city shall not exceed $300,000 if gas or water only is to be supplied, and $600,000 if both gas and water are to be supplied; and in the case of a company for the supplying a town or village shall not exceed $200,000 if gas or water only is to be supplied, and $400,000 if both

gas and water is to be supplied; and the money so raised shall be appropriated to the purpose of constructing, completing, acquiring and maintaining the gas works or water works, or gas and water works of the company, and to no other object or purpose whatever.

Term of existence.

3. The term of the existence of any such company shall not exceed fifty years.

Consent of municipality.

4. When application is made for letters patent incorporating such company, the applicants shall show to the Provincial Secretary, or such other member of the Executive Council or other officer as may be charged by Order of the Lieutenant-Governor in Council to report upon the application that the municipal council of the municipality in which the operations of the company are to be carried on has passed a by-law granting authority to the applicants when incorporated as a company to lay down pipes for the conveyance of water or gas, or both, under the streets, squares, and other public places of the municipality. See R. S. O. c. 164, s. 4.

R.S.O. c. 164, ss. 9-21, 25, 26, 29-50, and 53; 55 V. c. 38, s. 2, and 58 V. c. 33 repealed.

2. Sections 9 to 21 inclusive, sections 25 and 26, sections 29 to 50 inclusive, and section 53 of the said chapter 164, and section 2 of chapter 38 of the Acts passed in the fifty-fifth year of Her Majesty's reign, and chapter 33 of the Acts passed in the fifty-eighth year of Her Majesty's reign, are hereby repealed.

R.S.O. c. 164, s. 58 amended.

3. Section 58 of the said chapter 164 is hereby amended by striking out the words "incorporated under this Act" in the first and second lines of said section and substituting therefor the words "heretofore or hereafter incorporated."

Commencement of Act.

4. This Act shall take effect on and after the first day of July, 1897.

No. 173.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend the Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.

First Reading, 1st April, 1897.
Second Reading, 8th April, 1897.

THE ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 174.] **BILL.** [1897.

An Act respecting the Fees of certain Public Officers.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Division Court clerks and registrars not to pay on both gross and net income.

1. No Division Court Clerk or Registrar of Deeds shall hereafter be required to refund or repay percentages both upon his gross income and also upon his net income.

Acts amended.

2. The Acts set forth in the schedule hereto, are hereby amended in the manner and to the extent shown in the said schedule.

Expenses not to be increased beyond that paid in 1896.

3. The expenses connected with the work of, or in conducting the business of the office of any Division Court Clerk or Registrar of Deeds shall not be increased beyond those paid in 1896 without the written consent first had and obtained of the Inspector of Division Courts, or of the Inspector of Registry Offices as the case may be. *See* 59 Vic. cap. 29, s. 12 (7) *last clause.*

SCHEDULE.

Act amended.	Section.	How amended.
The Division Courts Act. R.S.O. c. 51.	59 (1) ...	By substituting for the words "all the fees and emoluments" in the second line, the words "the net income."
Same Act	59 (2), (3), (4), (5), (6)	By substituting for the words "fees and emoluments" in the first line of each of the said subsections the words, "net income."

Act amended.	Section.	How amended.
Same Act	60.	By substituting for the words "fees and emoluments" in the fifth line the words "net income."
The Registry Act, 1893. 56 Vic. c. 21.	119 (1) . .	By substituting for the words "all the fees and emoluments" in the second line the words "the net income."
Same Act	119 (2,) (3), (4), (5), (6).	By substituting for the words "fees and emoluments" in the first line of each of the said subsections, the words "net income."
Same Act	120.	By substituting for the words "fees and emoluments" in the sixth line the words "net income."
57 Vic. c. 9	2.	By striking out the words "subject to the provisions of *The Division Courts Act* as to payment on gross income to the Provincial Treasurer, and to this Act" in the first three lines of the section.
Same Act	6.	By striking out the words "subject to the provisions of *The Registry Act, 1893*, as to payments on gross income to municipalities" in the first two lines of the section.

No. 174.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting Fees of certain Public Officers.

First Reading, 5th April, 1897.

Mr. STRATTON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 175.] BILL. [1897.

An Act to amend The Act respecting Overholding Tenants.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 2 of *The Act respecting Overholding Tenants*, (as amended by section 4 the Act passed in the 59th year of Her Majesty's reign, chaptered 42. is hereby amended by inserting the words "upon affidavit" between the words "apply" and "to" in the tenth line thereof: and by inserting the words "in writing" between the words "shall" and "appoint" in the twelfth line thereof. Rev. Stat. c. 144, s. 2, amended.

2. Section 4 of the said Act as so amended is amended by inserting the words "judge's written appointment and of the" between the words "the" and "affidavit" in ninth line thereof. Rev. Stat c. 144, s. 4, amended.

No. 175.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Act respecting Overholding Tenants.

First Reading, 5th April, 1897.

Mr. FIELD.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 176.] BILL. [1897

An Act to amend The General Road Companies Act.

HER MAJESTY, by and with the advice and consent of the Legislature Assembly of the Province of Ontario, enacts as follows :—

Enforcing the levelling or removal of snow on toll roads.

1.—(1) Upon the written requisition of six freeholders residing within one mile of any toll road during the months of December, January, February and March, the engineer of the county shall examine and inspects such road, and if he finds that by reason of the accumulation of snow or ice thereon, the road has become obstructed so that persons cannot travel safely and conveniently thereon with horses and vehicles, he shall give notice to the company or muncipiality owning such road, that until the snow is removed or levelled as required by such notice, no toll shall be taken upon such road or at the gates thereon specified in the notice, and thereafter no tolls shall be taken upon such road or at such gates, but the road shall be free until the engineer has given his certificate in writing that the snow has been so removed or levelled in compliance with his order.

(2) The engineer, after giving such notice shall, when required in writing by the company or municipality owning the road, make an examination and inspect the same, and if he finds that his order has been complied with, shall give the certificate mentioned the preceding subsection.

(3) The notice of the engineer may be served in the manner mentioned in subsection 1 of section 102 of *The General Companies Act.*

No. 176.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The General Road Companies Act.

First Reading, 6th April, 1897.

Mr. HAYCOCK.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 177.] **BILL.** [1897.

An Act respecting the Government House Property.

Preamble.

WHEREAS the land on which the Government House stands and hereinafter described has come to be within the business portion of the City of Toronto so that while it is becoming every year less adapted for the purpose to which it is being applied its value is now so great that it can no longer be so applied with due regard to economy; and whereas the estimated value of the said land is such that the proceeds to arise from the sale thereof will suffice to provide for the cost of purchasing other property and erecting and maintaining new buildings for the use of the Lieutenant-Governor; and whereas it is expedient that the said land should be sold and other lands purchased and new buildings erected thereon, or that other lands and buildings should be purchased;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lands forming Government House block to be sold.

1. The lands following, that is to say: That parcel of land in the City of Toronto on which the present Government House is situate, and which is bounded as follows:— Commencing at the intersection of the southerly limit of King Street with the westerly limit of Simcoe Street, thence southerly along the westerly limit of Simcoe Street 437 feet more or less to the northerly limit of Wellington Street, thence westerly along the northerly limit of Wellington Street 617 feet, thence northerly parallel to the westerly limit of Simcoe Street 437 feet more or less to the southerly limit of King Street, thence easterly along the southerly limit of King Street 617 feet more or less to the place of beginning, containing six and one-fifth acres more or less, when a perfect

title is obtained therefor from the Government of Canada and the same can be sold with profit and advantage and within five years shall be sold by public auction or upon tenders invited by public advertisement in that behalf or in the event of failure to make a sale in either of such ways then by private sale, if the same can be sold to better advantage.

Appropriation for Government House limited.

2. In the meantime and until such sale and so long as the same shall be occupied by the Lieutenant-Governor of the Province not exceeding such five years the sum appropriated by the Legislature of the Province for and in connection with the maintenance of the said house and premises and otherwise as is specifically mentioned and set out in the report of the Select Committee of the Legislative Assembly on the 7th day of April, 1897, and adopted by the Legislative Assembly, shall not exceed the sum or sums mentioned in the said report and the sums so appropriated shall be for the purposes therein mentioned.

Lands set apart to form fund for erection of new Government House.

3. The lands hereinbefore described are hereby set apart for the purposes of forming and creating out of the proceeds to be realized from the sale thereof a fund to recoup and reimburse the Province in respect of so much as shall be expended by authority of the Legislature of the Province in the purchase of land and the erection of new buildings thereon as and for the purpose of a residence for the Lieutenant-Governor of the Province or for the purchase of other lands and buildings at a convenient place to be used for the purposes aforesaid.

Surplus to be set apart for future maintenance.

4. The remainder of such purchase money shall be set apart and shall be known as the Government House Maintenance Fund and shall be invested by the Treasurer of the Province at the best interest that can be obtained therefor or shall be paid into the Consolidated Revenue of the Province and shall bear interest at the rate of four per cent. per annum ; such interest shall be applied towards the maintenance, furnishing and repair of said new Government House buildings and property as particularly as specified in said report and shall be paid out by the Treasurer from time to time as the same may be required and approved for the purposes aforesaid and no other sum shall be annually appropriated by the Legislature of the Province for the purposes aforesaid or for such maintenance and support of Government House.

Sums expended before sale to be a first charge on proceeds.

5. In the event of its being found expedient to make the purchase of such new site or to begin the erection of a new Government House prior to the sale of the above described lands as aforesaid and the Legislature of the Province shall appropriate any sum or sums for that purpose, any sum so appropriated and expended shall be a first charge upon the moneys to be realized from the sale of the said lands in favor of the Province.

6. The said above described lands may be sold for cash or upon time or partly for cash and partly upon time and upon such terms, stipulations, provisios and conditions as the Lieutenant-Governor in Council may direct, and the lands so sold shall be granted and conveyed to the respective purchasers by Letters Patent in which nevertheless any terms, conditions, stipulations or provisos whatever, upon which the said land shall have been so sold, may be inserted and such terms, stipulations, provisos and conditions shall be enforced by all courts whether they be or not such as are in other cases held to be consistent with a grant. Terms of sale.

7. An account of all moneys paid out or received for any of the purposes aforesaid shall be laid before the Legislative Assembly within 20 days after the opening of the then next Session thereof. Account of receipts and payments.

No. 177.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Government House Property.

First	Reading, 7th April,	1897.
Second	Reading, 7th April,	1897.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 178] **BILL.** [1897.

An Act to amend the Ontario Game Protection Act, 1893

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 5 of section 2 is amended by inserting after the words "any wild deer or" in the third line thereof, the words "the head or."

2. Subsection 2 of section 3, subsection 5 of section 4 and subsection 2 of section 8 of the said Act are amended by substituting for the figures 1897 wherever they occur in the said subsections, the figures 1900.

3. The Lieutenant-Governor in Council may confer upon any member of the Provincial Police Force all or any of the powers or authority by the said Act conferred upon wardens.

4. The following is hereby added as a proviso to subsection (1) of section 14 of the said Act:—Provided that if at any time it should be made to appear that residents of the Province of Ontario are placed upon the same footing as residents of the Province of Quebec, under the provisions of the laws of the Province of Quebec relating to the protection of game, the Lieutenant-Governor-in-Council may by Order-in-Council in that behalf exempt residents of the Province of Quebec from the provisions of this section.

No. 178.

3rd Session, 8th Legislature. 60 Vict., 1897.

BILL

An Act to amend the Ontario Game Protection Act.

First Reading, 7th April, 1897.

Mr. GIBSON,
(Hamilton.)

TORONTO:
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No. 179.] **BILL.** [1897.

An Act to amend various Statutes in view of the Statute Revision.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Statutes Amendment Act, 1897.* Short title.

2. Section 34 of *The Revised Statute respecting County Courts*, as amended by sections 7 and 8 of *The County Courts Act, 1896*, is hereby repealed and the following substituted: Rev. Stat. c. 49, s. 34, repealed.

References. (1) Where it is proper to direct a reference, the court or judge may make such reference to the Master in Ordinary of the Supreme Court or to any of the local masters or to the clerk of the court, and where the judge of the court is local master the reference may be made by him to himself as such master, but no reference to take accounts or make enquiries shall be directed at the sittings of the court where such accounts or inquiries can be conveniently taken or made at such sittings and no reference shall be directed at any time, unless where a reference is necessary, if such reference will increase the cost of the proceedings.

(2) This repeal is not intended to affect that part of section 8, aforesaid, which regulates the scale of costs to be charged in certain cases.

3. Section 27 of *The Devolution of Estates Act* is hereby repealed and the following substituted therefor: Rev. Stat. c. 108, s. 27, repealed.

The twenty-seven sections numbered from 31 to 57 both included, shall apply retrospectively to the first day of January, 1852, inclusive, and also prospectively, as the case may be, and shall be construed as if the same had been passed on the

said first day of January, 1852, but sections 28 to 45 inclusive shall not apply to estates of persons dying on or after the 1st day of July, 1886; and sections 46 to 57 inclusive shall, as to the estates of such last mentioned persons, apply only subject to the provisions of sections 1 to 11 inclusive, and the amendments thereto. This section shall go into force forthwith after the passing thereof.

Rev. Stat. c. 109, s. 37, repealed.

4. Section 37 of *The Wills Act of Ontario* is hereby amended by adding thereto the following as sub-section 3 thereof:

Liens for unpaid purchase money, etc., how to rank.

(3) Where any person dies after the enactment of this sub-section, seized of or entitled to any estate or interest in any real estate, which at the time of his death is charged with the payment of any sum of money by way of equitable charge, including any lien for unpaid purchase money, the provisions of this section shall apply to such charge in the same manner as they would be applicable if such charge were a mortgage. This section shall go into force forthwith. Imp. Act, 40-41 V. c. 34, s. 1.

Rev. Stat. c. 122, ss. 7, 10, 11, 12, repealed.

5. Sections 7, 10, 11 and 12 of *The Mercantile Amendment Act* are repealed and the following substituted therefor:

Assignments of debts and choses in action.

(1) Any absolute assignment by writing under the hand of the assignor (not purporting to be by way of charge only) of any debt or other legal chose in action of which express notice in writing shall have been given to the debtor, trustee or other person from whom the assignor would have been entitled to receive or claim such debt or chose in action, shall be effectual in law (subject to all equities which would have been entitled to priority over the right of the assignee if this section had not been enacted) to pass and transfer the legal right to such debt or chose in action from the date of such notice and all legal and other remedies for the same and the power to give a good discharge for the same without the concurrence of the assignor. (Imp. Act 36-37 V. c. 66, s. 25 (6)).

(2) Nothing in this section contained shall affect the rights of any person claiming under an assignment executed before the time that this section comes into force.

Rev. Stat. c. 133, s. 3, repealed.

6. Section 3 of *The Revised Statute respecting Dower* is hereby amended by adding the following as subsection 2 thereof:

(2) No dower shall be recoverable out of any land which has been heretofore or shall be hereafter granted by the Crown as mining land in case such land is on or after the 31st day December, 1897, conveyed to the husband of the person claiming dower and such husband does not die entitled thereto.

56 V. c. 3, amended; 57 V. c. 3, repealed.

7. Sections 1 to 4 inclusive, 8 to 21 inclusive and section 23 of the Act passed in the 56th year of Her Majesty's reign

entitled *An Act to make further provision as to Voters' Lists in Cities* and the whole of *The Supplementary Ontario Voters' List Act, 1894*, are hereby repealed.

Rev. Stat. c. 57, s. 1, amended.

8. Section 1 of *The Revised Statute respecting Actions of Libel and Slander* is hereby amended by striking out the phrase "public newspaper or other periodical publication shall be held to include" in lines 1 and 2 and substituting "the word 'newspaper' shall mean;" and the said Act is further amended by substituting "newspaper" for the phrase "public newspaper or other periodical publication" wherever such phrase occurs in the said Act. See 57 V. c. 27, s. 2.

Procedure for recovery of penalties.

9. Where by any Act of this Legislature it is directed that a penalty may or shall be recovered, or a punishment may or shall be imposed under *The Summary Convictions Act* of Canada, or other similar procedure, such penalty shall on or after the 31st day of December, 1897, be recovered or imposed under the provisions of *The Revised Statute of Ontario respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions*.

Schedules.

10. The Acts and parts of Acts mentioned in schedules **A**, B and C to this Act are hereby amended in the manner mentioned in the last column of the said respective schedules.

Commencement of Act

11. Unless where another time is mentioned for any of the provisions of this Act to take effect, the same shall go into force on the 31st day of December, 1897.

SCHEDULE A.

EMBRACING THE SUBJECTS DEALT WITH IN VOL. I. OF THE REVISED STATUTES OF 1887.

Act amended.	Section.	Manner in which amended.
(1) The Interpretation Act. (R.S.O. 1887, c. 1.)	8, clause 16.	By inserting after successors in line 4 the words "Labor Day." (*Vide* 57-58 V. c. 55, Dom. s. 1.)
(2) An Act respecting the Provisional County of Haliburton. (R.S.O. 1887, c. 6.)	4, sub-sec. 2.	By substituting "within three months" for "after one month" in lines 2 and 3.
(3) An Act respecting Representation of the People in the Legislative Assembly. (R.S.O. 1887, c. 7.)	2	By substituting "towns and villages" for "and towns" in line 5; By substituting "proclamations or by-laws" for "or proclamations" in line 6, and by substituting "towns or villages" for "and towns" in line 7).
(4) Same Act.	12	By inserting the words "and also in the case of the village of Stouffville" after the words "in such case" where they occur at the commencement of subsection 2).
(5) An Act respecting the Legislative Assembly. (R.S.O. 1887, c. 11.)	31	By striking out "a salary of $1,000 per annum" and substituting "such salary," and by adding to the said section the words "as may be voted by the Legislature."
(6) An Act respecting the Taxation of Patented Lands in Algoma and Thunder Bay. (R.S.O. 1887, c. 23.)	8	By adding thereto the words "or in case he only owns portion of a lot or parcel he may pay the taxes owing in respect of such portion."
(7) The Public Lands Act. (R.S.O. 1887, c. 24.)	42	By inserting "or District" after "County" in line 4, and by adding to the said section the following: "Or before a Judge of a Court of Record, certified under the seal of the Court, or before a notary public certified under his official seal."

SCHEDULE A.—*Continued.*

Act amended.	Section.	Manner in which amended.
(8) An Act respecting Riots near Public Works. (R.S.O. 1887, c. 34.)	3	By adding to the said section the following: "unless such person is a Justice of the Peace or a public officer, or a soldier, sailor or volunteer in Her Majesty's service, on duty, or a constable or other peace officer, or has a certificate of exemption from the operation of this section as hereinafter provided for, or has at the time reasonable cause to fear an assault or other injury to his person, family or property, By adding as subsections the following: (2) If sufficient cause be shown upon oath to the satisfaction of any Justice of the Peace, he may grant to any applicant therefor not under the age of sixteen years, and as to whose discretion and good character he is satisfied by evidence upon oath, a certificate of exemption from the operation of this section for such period not exceeding twelve months, as he deems fit. (3) Such certificate upon the trial of any offence shall be *prima facie* evidence of its contents and of the signature and official character of the person by whom it purports to be granted.
(9) Same Act....	13	By adding thereto the words "or may not reside in the County or District."
(10) An Act respecting the Sale of Intoxicating Liquors near Public Works. (R.S.O. 1887, c. 35.)	1	By striking out the words "incorporated or other town or village," and substituting "town or incorporated village."
(11) Same Act...	2, subsec. 2.	By adding thereto the words "where there is no municipal organization, the fine shall be paid over to the Treasurer of the Province, or where there is a Stipendiary Magistrate, shall be paid to such Magistrate and by him paid over to the Treasurer of the Province.
(12) The County Courts Act. (R.S.O. 1887, c. 47.)	10	By inserting after "Court" in line 8 the following, "or in case the said Clerk of the County Court was Local Registrar, the said Clerk of the Peace shall, while he holds the said office, be *ex-officio* Local Registrar.

SCHEDULE A.—*Continued.*

Act amended.	Section.	Manner in which amended.
(13) An Act respecting the County Judges Criminal Courts (R.S.O. 1887, c. 49.)	1, as interpret'd by 53 V. c. 18, s. 3.	By striking out "*The Speedy Trials Act* purports to give" and substituting "sections 763 to 781 of *The Criminal Code, 1892*, purport to give."
(14) An Act respecting the Surrogate Courts. (R.S.O. 1887, c. 50.)	14	By striking out "first Tuesday" in line 1 and substituting "third day," and striking out "last preceding Saturday" in line 9 and substituting "last day of the preceding month."
(15) Same Act...	44	By inserting after the word "Court," where this word first occurs in line 7, the following, "or whether notice of an appointment by the High Court has been received," and by adding to the said section the words, "and appointments; and all appointments by the High Court shall be noted by the Surrogate Clerk in the application book."
(16) Same Act...	76, subsec. 1.	By inserting at the end of line 2 the following, "may frame rules for regulating the practice and procedure in the Surrogate Courts and"
	subsecs. 2 and 3.	By inserting before "tariff," whenever such word occurs, the words "rules or"
(17) The Jurors' Act. (R.S.O. 1887, c. 52.)	87	By striking out "publicly" in line 8, and "in the presence of any other person or persons who may desire to be present" in lines 11, 12 and 13.
(18) The Evidence Act. (R.S.O. 1887, c. 61.)	32	By striking out the words "either in Ontario or Quebec" and substituting "in Canada."
(19) Same Act...	33	By substituting "wherever made of" for "on" in line 1; and by striking out "either in Ontario or Quebec" in line 3.
(20) An Act respecting the Costs of Distress. (R.S.O. 1887, c. 63.	4	By striking out the words "there to remain until the the order or judgment is satisfied" and substituting "for such time not exceeding three months unless the order or judgment is sooner satisfied as the Justice may consider fitting."

SCHEDULE A.—*Continued.*

Act amended.	Section.	Manner in which amended.
(21) An Act respecting Police Magistrates. (R.S.O.1887, c. 72.	5	By adding the following sub-section :— (2) Where it is necessary for the purposes of this Act to determine the population of any city or town, the same shall be governed by the census last taken under the authority of the Government of Canada, unless there has been a subsequent enumeration by the assessors of the city or town in which case such enumeration shall govern; and the appointment by the Lieutenant-Governor of a Police Magistrate for any town, shall be conclusive evidence, that such town has the population required to authorize the appointment.
22) An Act respecting summary convictions before Justices of the Peace, and appeals to the General Sessions. (R.S.O. 1887, c. 74.	2 Sub-sec. 4.	By inserting after "recovered" in line 1 the words, "or where the information or complaint is dismissed."
(23) The Act respecting Mortgages of Real Estate. (R.S.O. 1887, c. 102.)	2	By adding the following as subsection 4 : (4) The right of the mortgagor under this section to require an assignment as aforesaid shall belong to and be capable of being enforced by each incumbrancer, or by the mortgagor, notwithstanding any intermediate incumbrance ; but a requisition of an incumbrancer shall prevail over a requisition of the mortgagor, and as between incumbrancers a requisition of a prior incumbrancer shall prevail over a requisition of a subsequent incumbrancer. Imp. Act 45, 46 V. c. 39, s. 12.
(24) An Act respecting Short Forms of Leases. (R.S.O. 1887, c. 106.)	Schedule B.	By adding to the directions in the said schedule the following additional direction :— 6. Where the word "lessor" occurs in column two of this schedule, it shall be held to include the heirs and assigns of the lessor, if the premises demised are of freehold tenure, and to include the heirs, executors, administrators and assigns of the lessor, if such premises are of leasehold tenure ; and where the word "lessee" occurs in said column two it shall be held to include the executors, administrators and assigns of the lessee.

SCHEDULE A.—*Continued.*

Act amended.	Section.	Manner in which amended.
(25) Same Act...	Schedule B.	By adding at the end of covenant number 8 in each of the columns one and two, the words "reasonable wear and tear and damage by fire, lightning and tempest only excepted." By adding the same words at the end of covenant number 6 in column two, and by adding at the end of covenant number 6 in column one, the words "in writing, reasonable wear and tear, and damage by fire, lightning and tempest only excepted." By inserting "lightning" after "fire" in the last line of covenant number 8 in column two, as amended by 58 V. c. 26, and adding at the end of covenant number 8 in column one, the words "reasonable wear and tear, and damage by fire, lightning and tempest only excepted." By inserting in each of the provisoes numbered 10, in columns one and two, as inserted by 58 V. c. 26, after the word "fire" in the said provisoes, the words "lightning or tempest." By inserting in proviso number 9, printed in the revised Statutes of 1887, but renumbered by 58 V. c. 26, as number 11, after the word "if" in the second line of the said proviso the words "and whenever."
(26) An Act respecting Mills and Mill Dams. (R.S.O. 1887, c. 118.)	15	By striking out "mill" in line 2, and substituting "dam," and by striking out "a dam for the purposes of the mill" in lines 3 and 4 and substituting "the dam."
(27) Vn Act respecting registration of Co-Partnerships and business firms. (R.S.O. 1887, c. 130.)	Schedule D	By appending to schedule D the following :— NOTE. In the above schedules, surnames having different initial letters are shown together. This is done merely for the purpose of illustrating by means of a number of names, the manner in which the entries should be made. In the index books, surnames having different initial letters should not appear in the first column of either book in the same page, but should be indexed alphabetically, the style of a firm being indexed in the firm index book according to the initial letters of the first surname mentioned.

SCHEDULE A.—*Continued.*

Act amended.	Section.	Manner in which amended.
(28) An Act respecting the Law of Landlord and Tenant. (R.S.O. 1887, c. 143).	11 subsec. 6. Clause(*b*)	By striking out clause (*b*) but retaining the definition of "a mining lease" which follows the said clause and substituting for the said clause the following: (*b*) To a mining lease.
(29) An Act respecting the Law Society of Upper Canada. (R.S.O. 1887, c. 145.)	44	By inserting after "disbar any such barrister," in line 9, the words "or suspend him from practising as a barrister for such time as the benchers may deem proper."
(30) Same Act.	45	By inserting after "determine" in line 3, the words "or in case he is suspended, he shall during the period of his suspension possess no rights or privileges as a barrister-at-law" and by inserting after "disbarred" in line 3 the words "or suspended."
(31) Same Act...	46	By adding thereto the following subsection: (2) In case convocation resolves that a solicitor should be suspended from practising for a period to be named in the resolution, a copy of the resolution shall be forthwith communicated to the High Court, and thereupon, without any formal motion, an order of the said Court may be drawn up suspending such solicitor from practising for the said period.
(32) An Act respecting Solicitors. (R.S.O. 1887, c. 147.)	23	By inserting after "thereof" in line 3 the words "nor shall any solicitor who has been suspended from practising during the period of his suspension."
(33) Same Act...	32	By inserting after "done" in line 7 the words "whether any of such business was done in a court or not."
(34) Same Act...	34	By inserting "or judgment" after "verdict" in line 2 and striking out "or a writ of inquiry executed" in line 3.
(35) An Act respecting Pawnbrokers. (R.S.O. 1887, c. 155.)	14 subsection 2. subsection 3.	By substituting "one cent" for "half penny or five-sixths of a cent." By substituting "two cents" for "one penny, or one cent and two-thirds of a cent."

SCHEDULE A.—*Continued.*

Act amended.	Section.	Manner in which amended.
	subsection 4.	By substituting "three cents" for two pence or three and one-third cents"
	subsection 5.	By substituting "seven cents" for "four pence or six and two-thirds cents."
	section 24. clause 4	By substituting "two cents" for "one penny or one and two-thirds cents," and by substituting "three cents" for "two pence or three and a third cents."
(36) An Act respecting Voter's Lists. (52 V. c. 3.)	3 subsection 13	By repealing the said subsection and substituting the following:— (13) Where the word Freeholder or the letter F, or the word Tenant or the letter T appears in the Assessment Roll opposite the name of a person entitled to be entered on the voters' list, such word or letter shall be placed by the Clerk of the Municipality on the voters' list opposite the name of such person.
(37) Same Act...	10 subsection 5	By adding the following, "but except as provided in subsection 4, the name of no person who is then disqualified or otherwise incompetent to vote shall be entered in the voter's list to which such incompetency or disqualification applies."
(38) An Act relating to the Jurisdiction of Courts of General Sessions of the Peace. (53 V. c. 18.)	2	By inserting "and" after "peace" in line 1 and striking out "and police and stipendiary magistrates" in line 2.
(39) An Act respecting Official Documents when required as evidence. (53 V. c. 21.)	1, as amended by 55 V. c. 14, s. 52.	By striking out all that portion of the said section before "except" in line 4 and substituting "any public officer."
(40) An Act to further facilitate proceedings under The Land Titles' Act. (53 V. c. 32.)	5 subsection 1	By inserting after "dower," in line three, the words "by an instrument which can be produced and registered."

SCHEDULE A —*Continued.*

Act amended.	Section.	Manner in which amended.
(41) The Ontario Architects' Act. (53 V. c. 41.)	27	By adding the following subsection : (2) Every architect who shall wilfully make any false certificate in respect of any work done, or the value or condition of any any work or building, besides being liable in damages for any injury thereby suffered shall be subject to a penalty of $100 to be recovered by action in any court of competent jurisdiction.
(42) An Act respecting the Sale of Real Estate by Executors and Administrators. (54 V. c. 18.)	1 subsection 5.	By substituting therefor the following : (5) This certificate of withdrawal shall be verified by the affidavit of a subscribing witness which shall be in the following form or to the like effect :—I. G. H., *etc.*, make oath and say—I am well acquainted with A. B. and C. D. named in the above certificate ; that I was present and did see the said certificate signed by the said A. B. and C. D.; that I am a subscribing witness to the said certificate and I believe the said A. B. and C. D. to be the persons who registered the caution referred to in the said certificate."
(43) Same Act.	1	By adding thereto the following subsection : (6) Before the expiry of a caution, another caution may be registered, and so on from time to time as long as the executors or administrators consider such action necessary and every such caution shall continue in force for twelve months from the time of its registration.
(44) An Act respecting Voters' Lists in Unorganized Territories. (55 V. c. 2.)	11	By adding thereto the following as subsection 2 :— (2) The proceedings upon and in respect of such appeals, shall be, as nearly as may be, the same as upon appeals under *The Ontario Voters' Lists Act, 1889*, and the officer hearing the appeal shall have the same authority as a Judge hearing an appeal under the said Act.
(45) Same Act...	13	By inserting "reasonable" before "personal expenses" in line 5, and also in line 8.
(46) Same Act...	14	By repealing section 14.
(47) The Ontario Election Act. (55 V. c. 3.)	4	By inserting at the commencement of the said section the words, "Judges of the Supreme Court of Canada," and inserting after Ontario the words, "Judges of the Exchequer Court of Canada."

SCHEDULE A.—*Continued.*

Act amended.	Section.	Manner in which amended.
(48) Same Act...	8, subsec. (1)	By adding to the said subsection the following:—"Where a municipality embraces parts of two or more Electoral Districts, a polling subdivision shall only include territory in one Electoral District."
(49) Same Act...	54 Subsection 2	By substituting "Dominion day" for "the First day of July," and inserting "day appointed for the celebration of the" before "birthday."
(50) Same Act....	86	By repealing the said section 86.
(51) Same Act....	144	By striking out "or his Deputy" in line 1 and inserting in lieu thereof "the election clerk, the Deputy Returning officer."
(52) Same Act....	184	By striking out "sections 114 and 115" and substituting "section 106 and sections 108 to 116 inclusive.
(53) Same Act....	185	By repealing the said section 185.
(54) Same Act...	187	By inserting "or the omission complained of" after "committed" in line 2 in the 3rd clause.
(55) Same Act...	200	By striking out "if appointed might have undertaken" in line 2 and substituting "except the agent whose appointment is required by secton 189 might have undertaken if appointed."
(56) Same Act...	Form 12	By appending the following note at the foot of the form. NOTE. In the directions printed for The Electoral District of Ottawa substitute "If the voter votes for more than two candidates" in lieu of "If the voter votes for more than one candidate." This note is not to be printed on the directions.
(57) The Workmen's Compensation for Injuries Act, 1892 (55 V. c. 30.	5, Clause 3	By striking out "and October" in lines 14 and 15 and substituting "October and November."

SCHEDULE A.—*Continued.*

Act amended.	Section.	Manner in which amended.
(58) An Act to amend the Act respecting Dentistry. (55 V. c. 33.)	Schedule A	By adding to the list of Counties and Districts comprising Electoral District No. 2 the following:—"The Provisional County of Haliburton and the Districts of Thunder Bay, Manitoulin and Rainy River."
(59) The Registry Act. (56 V. c. 21.)	96 Subsection 4.	By inserting "administrators" after "executors" in line 2.
(60) An Act to amend the law of Landlord and Tenant. (57 V. c. 43.)	1	By adding thereto the following, "or by any person whose title is derived by purchase, gift, transfer or assignment from any relative to whom such restriction does not apply."
(61) The Definition of Time Act. (58 V. c. 2 as amended by 59 V. c. 18. Sched. (45.)	1	By striking out the words "the time referred to" in section 1, and substituting the words "or wherever any hour or other period of, time is stated either orally or in writing, or whenever any question as to a period of time arises, the time referred to or intended." By adding the following subsection :— (2) Where the expression "month" occurs or is stated as in this section mentioned, it shall mean a calendar month unless it is otherwise specifically stated.
(62) An Act respecting The Election Laws. (58 V. c. 4.)	17, subsec. 3	By striking out "other than cities, towns or incorporated villages," and substituting "neither of which is a city, town or incorporated village."
(63) The Agricultural and Arts Act. (58 V. c. 11.)	11	By striking out "as required by section 7(*d*) and substituting "and auditors shall be appointed for the ensuing year."
(64) The Judicature Act, 1895. (58 V. c. 12.)	52, Rule 3	By striking out "penalties, forfeitures and agreements for liquidated damages," and substituting "penalties and forfeitures."
(65) Same Act...	64 and 65	By repealing said sections and substituting therefor the following :—The Judges of the High Court or a majority of them, may from time to time pass such rules to regulate the sittings of the Divisional Court as may be found necessary for the due despatch of business ; Provided always that there shall be at least a monthly sitting of such Court except during vacation.

SCHEDULE A.—*Continued.*

Act amended.	Section.	Manner in which amended.
(66) Same Act...	81	By repealing subsection (*a*).
(67) Same Act ...	176	By inserting "the Court of Appeal" after "Supreme Court," in line 1.
(68) The Law Courts Act, 1895 (58 V. c. 13.)	16, subsecs. 1, 2 and 5	By repealing the said subsections.
(69) Same Act...	44	By substituting the following for subsection 1 : (1) Any party to a cause or matter in a County Court may appeal to a Divisional Court of the High Court of Justice from any judgment directed by a Judge of the County Court to be entered at or after the trial in any case tried without a jury, and also in any case tried with a jury to which subsection 5 does not apply. By striking out the words "for a new trial or" in line 4 in subsec. 2. By adding the following as subsection 5 :— (5) Where there has been a trial with a jury any motion for a new trial, whether made for that relief alone or combined with, or as an alternative for any other relief, shall be made to the County Court.
(70) An Act to amend the Registry Act. (58 V. c. 22.)	1	By adding to the said section, at the end of the subsection, the following :—"and the registrar shall not enter the said instrument in the language in which it is written as aforesaid, but may copy from the said translation."
(71) An Act to make further provision for the payment of Succession Duties in certain cases. (59 V. c. 5.)	7	By striking out "date of the succession" in line 3 and substituting "time when such duties or claims become payable."
(72) The County Courts Act, 1896. (59 V. c. 19.)	6	By inserting after "power to" in line 6 the words "grant vesting orders and to," and by striking out "penalties, forfeitures and agreements for liquidated damages" and substituting "penalties and forfeitures.'

SCHEDULE A.—*Continued.*

Act amended.	Section.	Manner in which amended.
(73) An Act respecting fees of Jurors' or Coroners' inquests (59 V. c. 25.	2	By repealing the said section and substituting the following: 2. The amounts to be paid to coroner's jurors under the provisions of this Act shall be certified by the coroner, who shall make his order for payment thereof on the treasurer of the county unless the death occurs in a city or separated town, in which case the order shall be made on the treasurer of said city or town; and the coroner shall make his order for payment on the treasurer of the city or town separated from the county, where the inquest is held in such city or separated town, unless the death occurs in the county outside of such city or town, in which case the order shall be made on the treasurer of the county; the treasurer on whom such order is made under the provisions hereof shall pay the sum or sums mentioned in the order to the persons entitled thereto out of any funds he may have on hand.
(74) An Act respecting the Quieting of Titles. (59 V. c. 28.)	3	By repealing section 3.
(75) An Act respecting the cost of seizure of goods under chattel mortgages. (59 V. c. 33.)	1	By striking out "upon making the seizure and sale" at the beginning of the said section and substituting "upon making a seizure or sale."
(84) The Mechanics' and Wage Earners' Lien Act, 1896. (59 V. c. 35.)	23 Schedule	By inserting after "1893" the following "according to Form 5 A in the Schedule hereto." By inserting in the said Schedule after Form 5 the following as Form 5 A. *(Style of Court and Cause.)* I certify that the above named plaintiff has commenced an action in the above Court to enforce against the following land (*describing it*) a claim of Mechanics' Lien for $
(76) Same Act.	39	By adding thereto the words "unless the amount recovered by the judgment of the Divisional Court exceeds $200 in which case there shall be the same right of appeal as is given in an ordinary action."

SCHEDULE A.—*Continued.*

Act amended.	Section.	Manner in which amended.
(77) An Act to extend The Woodman's Lien for Wages Act. (59 V. c. 36.)	4 sub-sec. 2	By striking out "Any contractor supplying such labour, service, or services, or who has entered into any contract express or implied to supply the same," in lines 1, 2 and 3 and substituting "Any person," and by striking out "every such contractor who takes or causes proceedings to be taken under the said Act."
(78) An Act to secure payment of Wages for Labour Performed in the construction of Public Works. (59 V. c. 37.)	1	By inserting after "Majesty" in line 12 the words "or having the supervision of the execution of the contract where the same is made with Her Majesty."
(79) The Dower Act, 1896. (59 V. c. 40.	5	By adding the following subsection :— (2) This section shall apply to any case where any person owns or has the right to sell or mortgage (whether as trustee or otherwise land which is subject to dower, whether such dower is inchoate or complete, and whether the person applying is, or is not, the husband of the dowress. Vide R. S. O. 1887. c. 133, s. 13.
(80) An Act relating to Dower in certain cases. (59 V. c. 40.)	6	By repealing the said section and substituting the following :— Where a conveyance to a purchaser for value purporting to bar or release dower in any land was before the 5th day of May, 1894, executed by a wife entitled to an inchoate right of dower, and such wife was at the time of such execution under age, but the purchaser had at or before the execution of the conveyance and payment of the purchase money no notice that she was under age, the conveyance shall be effectual to bar her dower, unless within four years after the conveyance, or prior to the 1st day of January, 1899, whichever shall last happen, she brings an action for dower, or gives to the owner of the land written notice of her claim to dower by reason of her minority as aforesaid. *Vide* 57 V. c. 41.

SCHEDULE B.

EMBRACING THE SUBJECTS DEALT WITH IN VOL. 2 of the REVISED STATUTES OF 1887, EXCEPT THE GENERAL MUNICIPAL AND ASSESSMENT ACTS.

Act amended.	Section.	Manner in which amended.
(1) An Act respecting the establishment of Municipal Institutions in Algoma, etc. (R.S.O. 1887, c. 185.)	10	By inserting after the word "will" in line 3, the words "on that day" and by striking out the words "at such time and place" in line 6 and substituting therefor the words "on said day at such place."
		By inserting after said section 10, the following section :— 10*a*. The poll shall be opened at the place so named, at 9 o'clock in the morning and shall continue open until 5 o'clock in the afternoon and no longer.
(2) Same Act....	20	By striking out all the words after the words "non resident" in line 17 and substituting the following : "By mailing the same to his address, if known, or if not known, then by fixing up the same in the nearest post office; and every such notice shall state the particulars of the assessment."
(3) Same Act	37	By inserting before the word "stipendiary" in the last line the words, "Judge of the District Court, or where there is no Judge of the."
(4) Same Act	38	By inserting before the word "stipendiary" in the 5th line the words, "Judge of the District Court, or where there is no Judge, by the."
(5) Same Act	57	By striking out said section 57 which is hereby repealed.
(6) The Public Parks Act. (R.S.O. 1887, c. 190.)	11	By inserting after the word "parks" in the 3rd line of sub-section 1 of said section the words "avenues, boulevards, and drives and."
		By striking out sub-section 4, and substituting therefor the following :
		(4) The Board shall have power in and by their by-laws to impose penalties for the infraction thereof ; and such by-laws may be enforced, and the penalties thereunder recovered in like manner as by-laws of municipal councils and penalties thereunder may be enforced and recovered.

SCHEDULE B.—*Continued.*

Act amended.	Section.	Manner in which amended.
(7) Same Act....	12	By inserting before the word "purpose" in the 3rd line, the words, "establishment or formation of a park or for the;" and and by striking out the words "the park" in the said 3rd line and substituting therefor the words, "any park;" and by inserting before the word "approaches" in the 4th line the words, "avenues, boulevards and drives and"
(8) Same Act....	13	By striking out subsections 1, 2, and 3 and substituting therefor the following:— (1) The Board shall have power and authority to acquire by purchase, lease or otherwise, the lands, rights and privileges needful for park purposes under this Act. (2) Lands so acquired together with those, the general management, regulation and control of which are vested in the Board under the provisions of sec. 4 of this Act, exclusive of lands acquired by devise or gift, shall not together exceed in the case of cities having a population of 100,000 inhabitants or more 2,000 acres, and in the case of other cities or of counties 1,000 acres, and in the case of towns, villages or townships, 500 acres; but lands in excess of the above mentioned quantities may be taken and held by devise or gift. (3) The conveyance of all lands, rights and privileges so acquired by purchase or lease shall be taken to the county, city, town, township or village.
9 Same Act..	17, sub sec. 3.	By striking out the words "exclusive of school rates" at the end of said subsection.
	17, sub-sec. 5.	By striking out the words "City or Town" in the 8th line and substituting therefor the word "municipality."
	17, sub-sec. 6.	By striking out the words "City or Town" in the last line and substituting therefor the word "municipal."
	18, clause 5.	By striking out the words "one mile in the case of a town, or within the distance of three miles in the case of a city," in the 3rd, 4th and 5th lines of said clause 5 and substituting therefor the words "three miles in the case of a city and one mile in the case of any other municipality."

SCHEDULE B.—*Continued.*

Act amended.	Section.	Manner in which amended.
	19	By striking out the word "the" in the 2nd line and substituting therefor the word "every," and by striking out the words "public grounds under the care" in the 3rd and 4th lines thereof, and substituting therefor the words "property under the care or control."
10) The Municipal Light and Heat Act. (R.S.O. 1887, c. 181.)	7	By inserting after the word "gas," where it occurs in line 2 and line 4 of said section, the words "electricity or other means of lighting or heating."
(11) Same Act...	3	By striking out the words "pipes or wires," in the 3rd line, and substituting therefor the words "pipes, wires or rods."
(12) Same Act...	4	By striking out the word "proprietors," in the 2nd and 5th lines of subsec. 1, and substituting therefor the word "owners," and by striking out the word "lessees," in the 3rd line, and substituting therefor the word "occupants," and by inserting after the word "tenants," in the 6th line, the words "or occupants."
(13) Same Act ...	5	By striking out the words "proprietors or tenants," in the 2nd line of subsection 1, and substituting therefor the words "owners, tenants or occupants," and by inserting after the word "wires," in the 4th line, the words "or rods," and by striking out the words "or tenant," in the 1st and 2nd lines of subsection 2, and substituting therefor the words "tenant or occupant."
(14) Same Act ...	11	By inserting after the word "Company," in the 6th line, the words "firm or person," and by striking out the words "such companies," in the 8th line, and inserting after the word "pipes," in said 8th line, the words "of such Company, firm or person." And by striking out the words "between the Company and Municipal Corporation" at the end of said section and substituting the words "between the Company, firm or person and the Municipal Corporation."
(15) The Municipal Water Works Act. (R.S.O. 1887, c. 192.)	43	By striking out the word "tenants" in the the 6th line of subsection 2 and substituting therefor the word "persons."

SCHEDULE B.—*Continued.*

Act amended.	Section.	Manner in which amended.
(16) The Municipal Arbitrations Act. (58 V. c. 43.)	.....	By inserting after section 7 of the said Act the following section : 7 (*a*) The time of any vacation of the High Court or the Court of Appeal shall not be reckoned in the computation of the time for doing any act or taking any proceedings in appealing as aforesaid to the Court of Appeal.
(17) 51 V. c. 40	2, 3, 4, 6 and 8	By striking out the sections. And the said Act as so amended shall be read as part of the Act for the Prevention of Cruelty to and better Protection of Children. (56 V. c. 45).
(18) 53 V. c. 78.....		By adding the following as section 8 of said Act. 8. No child between the ages of two and sixteen years shall be received or boarded in any House of Industry, House of Refuge or other institution established for the reception and care of paupers or other dependent adults.
(19) 53 V. c. 71.....	8	By striking out all the words in the clause numbered (3) down to and including the word "thereof" in the 5th line and substituting the following :— "Provided always that where the proprietor or tenant is not, on the first day of March in any year, a resident of the municipality or rated on the assessment roll thereof but subsequently becomes so resident or liable to be so rated."
(20) 56 V. c. 45.....	1	By inserting at the end of the section the following clause : The word "Municipality" means a county, city, or town separated from the county.
(21) Same Act.....	4	By striking out clause "(c)" of subsection 1 and substituting the following therefor :— (c) Subject to the provisions of subsection 2 of this section, causes or procures any boy under the age of 14 years or any girl under the age of 16 years to be at any time in any circus or other place of public amusement, to which the public are admitted by payment, for the purpose of singing, playing or performing for profit, or offering anything for sale.

SCHEDULE B.—*Continued.*

Act amended.	Section.	Manner in which amended.
(22) Same Act	6	By inserting after the word "person" in the third line of subsection 3 the words "or society."
(23) Same Act	8	By striking out subsection 3.
24) Same Act	12	By striking out subsections 1 and 5 and substituting the following therefor :— (1) A Judge may, upon the application of any society to whose custody or control a child is committed, make an order for the payment, by the municipality to which the child belongs, of a reasonable sum, not being less than $1 weekly, for the expense of supporting the child by the society, or in any temporary home, or in any foster home where such children are not cared for without compensation, in which the child may be placed by the society, until the child reaches the age of twelve years in the case of a girl and fourteen years in the case of a boy. The placing of children with the lowest bidder is hereby prohibited. (5) The order of committal of any child under this Act may direct payment by the municipality to which the child belongs to any society or person to whose custody or control the child is committed, of a reasonable sum not being less than $1 weekly for the expense of supporting such child, and any such order may also direct payment to the municipality by the parent of the child of the amount so directed to be paid by the municipality. (6) Any such order may be enforced in the same manner as an order made by a County Court Judge may be enforced under *The Act respecting the enforcement of Judges' orders in matters not in Court.*
(25) Same Act	13	By striking out the first six lines of such section and substituting therefor the following :— Officers of any Childrens Aid Society, duly approved by the inspector or the superintendent, may, in cities and towns be authorized by the Board of Commissioners of Police, and in towns having no Board of Commissioners of Police, and in other municipalities, may be authorized by the County Judge, to act as constables for the purpose of enforcing the provisions of this Act and of *The Industrial Schools Act;* and any constable so appointed or any chief constable or inspector of police.

SCHEDULE B.—*Continued.*

Act amended.	Section.	Manner in which amended.
		By striking out the words "the parents" in the third line of the clause numbered 3 in said section and substituting therefor the words "its parents or guardians."
		By inserting between the words "or" and "having" in the first line of the clause numbered 5 in said section the words "deserted by its parents or."
26) Same Act.....	17	By striking out the word "Judge" in the first line of subsection 2 and substituting therefor the words "Judge or retired Judge of the High Court of Justice or a Judge of the County Court."
(27) Same Act	24	By striking out the words "or to the Provincial Reformatory for Boys or to the refuge for girls as the case may be" in the 27th and 28th lines thereof.
(28) Same Act	30	By inserting after the word "person" in the 13th line of section 1 the words "or society."
		By inserting before the word "alleged" in the third line of subsection 3 the words "any offence in respect of a child under this Act or for any" and by inserting after the said word "alleged" the words "neglect of or".
		By inserting before the word "cruelty" in the third line of subsection 4 the words "any offence in respect of a child under this Act or otherwise with neglect of or".
(29) 58 V. c. 52	11	By striking out the section.
(30) Same Act	13	By striking out the first two lines and substituting the following therefor :— "It shall be unlawful for any person to induce any child to leave the building, or premises, or custody, or control of any Childrens Aid Society, or of any duly incorporated." And by inserting before the word "home" in the fourteenth line the words "Children's Aid Society."
(31) 59 V. c. 70	53	By substituting for the word "purporting" in the first clause of the form of oath, the word "intended."

SCHEDULE B.—*Concluded.*

Act amended.	Section.	Manner in which amended.
(32) 59 V. c. 71	2	By striking out all the words after the word "situated" in line 4 of clause (7).
(33) Same Act	31	By striking out the words "Provi ling that" and substituting therefor the words "Provided that no" in line 7 of subsection (3) and by substituting the word "and" for the word "or" in line 9.

SCHEDULE C.

EMBRACING SUBJECTS DEALT WITH BY THE GENERAL MUNICIPAL AND ASSESSMENT ACTS.

Act amended.	Section.	Manner in which amended.
(1) The Consolidated Municipal Act, 1892. (55 Vic. cap. 42).	2	By inserting in clause 9 thereof after the word "by-law" in the third line of the clause, the words "as the case may be," and by inserting therein in their proper places the following subsections: 3*a*. "Councillor" or "municipal councillor" shall not include a county councillor unless so expressed. 6*a*. "Separated town" shall mean a town separated for municipal purposes from the county in which it is situated. 6*b*. "Village" shall mean an incorporated village, unless otherwise so expressed. 9*a*. "Householder" shall mean a resident of the municipality whose name appears as a tenant on the last revised assessment roll thereof. And by adding as section 2*a* the following: 2*a*. "For the purposes of this Act an assessment roll shall be understood to be finally revised when it has been so revised by the Court of Revision for the municipality, or by the Judge of the County Court in case of an appeal as provided in *The Assessment Act*, or when the time in which the appeal may be made has elapsed." (See sec. 135 (4) and *The Voters' Lists Act. 52 V. c. 3, s. 3 (15).*
(2) Same Act.	9 (1)	By substituting the word "tenants" for the word "householders" in the 8th line of the subsection.
3) Same Act.....	9 (2)	By substituting the words "resident tenants" for the word "householders" in the 4th and 5th lines of the subsection.
4) Same Act.....	9 (3)	By substituting the words "resident tenant" for "householder" in the 5th line of the subsection.

SCHEDULE C.—*Continued.*

Act amended.	Section.	Manner in which amended.
(5) Same Act.	11	By inserting after the word "situate" in the 2nd line the words "or where the area of a village is reduced under section 15."
(6) Same Act.	12 (2)	By substituting the words "resident tenants" for the word "householders" in the 3rd and 4th lines of the subsection.
(7) Same Act.	13 (4)	By substituting the words "resident tenants" for "householders" in the 4th lines of the subsection.
8 Same Act	15	By inserting after the words "for farming purposes" in line 10 the words "and the lands so excluded shall form part of such township or townships as may be designated in the by-law."
(9) Same Act.	17 (1)	By adding after the word "situate" in the 11th line the words "as a hamlet."
(10) Same Act.	24	By substituting for the words "the electors" in the 5th and 6th lines the words "a majority of the electors," and by adding after the word "town" in said 6th line the words "as defined by subsection (*a*) of section 16 (1) of this Act ;" and by substituting in lines 6 and 7 for the words "adopt a by-law to be submitted to them approving of such annexation" the words "by vote approve of the resolution affirming the expediency of such annexation."
(11) Same Act.	28, 29, 32, 33	By substituting the word "tenants" for the word "householders" wherever the same occurs in said sections.
(12) Same Act.	38	By striking out the words "a majority of the reeves and deputy reeves of such county" in the 4th and 5th lines and substituting therefor the words "a majority of the members of the county council representing those county council divisions which constitute such junior county (including any county council division which takes in the larger part of any municipality in such junior county)"; by striking out of lines 7, 8 and 9 the words, "if in the month of February in the following year a majority of the reeves and deputy-reeves," and substituting therefor, the words, "If in the month of February fol-

SCHEDULE C.—*Continued.*

Act amended.	Section.	Manner in which amended.
		lowing the next election of members of the county council a majority of the said members of the county council representing those county council divisions which constitute such junior county, (including any county council division which takes in the larger part of any municipality in such junior county)"; and by striking out of the 14th line the words "the reeves and deputy reeves in that county" and substituting therefor the words "the members of the county council representing those county council divisions which constitute such junior county (including any county council division which takes in the larger part of any municipality in such junior county)."
13) Same Act.	47	By substituting "may" for "shall" in line 2, and by striking out of lines 4, 5 and 6 the words, "on the first day of January next after the end of three months from the date of the proclamation," and inserting in lieu thereof the words, "on a day to be named in the said proclamation." (*See 52 V., c. 36, s. 3.*)
(14) Same Act.	49 (4)	By inserting in line 7 after the words "said year" the words, "and before the expiry of the writ in the hands of the sheriff of the union as aforesaid," and by striking out all the words of the subsection after the words "in which case" in the 10th line and substituting therefor the following, "so long as such last mentioned writ is in force he shall retain any priority which he then had by virtue of the writ in the hands of the sheriff of the union on the day of the dissolution thereof, and he shall if so required by the sheriff of the new county deliver to him a certificate under the hand of the sheriff of the union shewing the date of the delivery to him of such writ, which certificate the said sheriff of the union shall give upon request and on payment of his proper fees therefor." (*See 57 V., c. 33, s. 23 (2)*).
15) Same Act.	56 (3)	By striking out of lines 9, 10, 11, 12 and 13 the words, "to the extent to which the lands specially assessed for the improvement, work or service lie within the territory taken from it, and included within the new municipality or added to the adjoining municipality as the case may be," and

SCHEDULE C.—*Continued.*

Act amended.	Section.	Manner in which amended.
		substituting therefor the words, "to the extent to which the lands so taken from the first named municipality to form a new municipality or to make an addition to an adjoining municipality, were specially assessed for the cost of the said improvement, work or service.'
(16) Same Act.	59	By adding thereto the words, "As a debt due to the new municipality and bearing interest from the date of such payment."
(17 Same Act.	72	By striking out the section, and substituting therefor the following: "72. The county councillors who represent the county council divisions constituting a junior county, (including any county council division which takes in the larger part of any municipality in such junior county), shall *ex officio* be the members of such provisional council."
(18) Same Act.	79	By striking out of line 17 the words "householders or."
(19) Same Act.	80	By substituting the word "leasehold" for the word "household" in the 3rd line.
(20) Same Act.	87	By striking out the section.
(21) Same Act.	91	By substituting the word "tenants" for the word "householders" in line 2.
(22) Same Act.	102	By substituting the word "intended" for the word "purporting" in lines 4 and 5.
(23) Same Act.	103	By striking out the words "householder or" in the 2nd and 15th lines of the section, and by substituting the word "intended" for the word "purporting" in lines 4 and 5.
(24) Same Act.	104	By substituting the word "intended" for the word "purporting" in line 4 of said sections.
(25) Same Act.	105	By substituting the word "intended" for the word "purporting" in lines 3 and 4 of the section.

SCHEDULE C.—*Continued.*

Act amended.	Section.	Manner in which amended.
(26) Same Act.	108	By inserting after the word "absence" in the second line the words "or probable absence."
(27) Same Act.	114	By adding thereto the words "who shall in respect of the meeting have all the powers of a returning officer."
(28) Same Act.	116	By inserting after the word "*seriatim*" in the second line the words "and every such nomination shall be in writing, shall state the full name, place of residence and occupation of the candidate, and shall be signed by his proposer and seconder."
(29) Same Act.	119 (1)	By substituting the words "last Monday in December" for the words "day of nomination of candidates" in the 1st line of the subsection.
30) Same Act.	123	By adding thereto as subsection (2) the following: "(2) But in the case of an election to fill a vacancy the ballot papers shall contain only so much of the said form as is required, and the counterfoils thereof shall bear, instead of the words appearing on the form of ballot papers given in said schedule, the words, 'Election of a member of the municipal council of the city, (*or* town, village *or* township, *as the case may be*), of —, to fill a vacancy in the office of (mayor, reeve, county councillor, councillor, etc., *as the case may be*), Ward No. —, Polling sub-division No. —, day of 189 . For mayor (*or* For reeve, county councillor, councillor, *etc.*, *as the case may be*)'; or (in the case of an election to the county council) the words, 'Election to fill a vacancy in the office of county councillor for the first (or as the case may be) county council division of the county of , Ward No. , Polling sub-division No. , day of , 189 . For county councillor.'"

SCHEDULE C.—*Continued.*

Act amended.	Section.	Manner in which amended.
(31) Same Act	130	By striking out all the words of said section after the word "territory" in the 6th and 7th lines and substituting the following,—'or in such new city, town or village are made out, or before such lists are certified by the County Judge,—in all such cases the clerk of the new or enlarged city, town or village shall extract from the last filed or certified voters' list of the municipality to which such territory formerly belonged and shall place in lists or supplementary lists as the case may be, the names of the persons who would have been entitled to vote in the territory constituting or added to the city, town or village if no such change as aforesaid had been made."
(32) Same Act.	138	By striking out the section and substituting therefor the following: "No elector shall vote more than once for reeve in a township or village; nor for councillors in townships divided into wards more than once in each ward; nor for councillors in townships not divided into wards and in villages at more than one polling place in the township or village."
(33) Same Act.	143	By substituting for the words "is entered or purports to be" in the 4th and 5th lines the words "or a name apparently intended therefor is."
(34) Same Act.	1	By striking out all the words after the words "preserve the same" in the 13th line.
(35) Same Act.	50	By striking out all the words after the words "preserve the same" in the 9th and 10th lines.
(36) Same Act.	152	By inserting in line 11 of the section (being line 6 of clause 1) after the word "identified" the words "or which has been torn, defaced, or otherwise dealt with by the voter so that he can thereby be identified."
37) Same Act.	158	By substituting the word "eight" for the word "twelve" in the 9th line. (*See Sec. 116.*

SCHEDULE C.—*Continued.*

Act amended.	Section.	Manner in which amended.
(38 Same Act.	159	By substituting the word "eight" for the word "twelve" in line 3. (*See s. 116*).
39) Same Act.	163 (8)	Clause 2. By adding after the words "can be identified" in the 4th line of the clause the words, "or which has been torn, defaced, or otherwise dealt with by the voter so that he can thereby be identified."
40) Same Act.	167 (1)(*e*)	By substituting for the said clause (e) as amended by the Act 59 Vic. cap. 51, sec. 4, the following,—"(e) Apply for a ballot paper in the name of some other person, whether such name is that of a person living or dead or of a fictitious person; or shall advise or abet, counsel or procure any other person so to do; but this provision shall not be construed as including a person who applies for such ballot paper believing that he is the person intended by the name entered on the voters' list in respect of which he so applies. (*f*) Having voted once and not being entitled to vote again at an election, apply at the same election for a ballot paper in his own name or advise, or abet, counsel or procure any other person so to do."
41) Same Act.	177	By substituting for the words "Insolvent Acts" in line 3 the words "any Insolvent Act in force in this Province," and by substituting for the word "use" in line 5 the word "benefit."
42) Same Act.	178	By substituting the word "resign" for the word "vacate" in line 5, and the words "within ten days thereafter" for the words "at any time after his election" in the 5th and 6th lines.
43) Same Act.	181	By striking out of line 12 the words "if procurable" and by inserting after the words "new election" in the 16th line the words "in the wards or polling sub-divisions for which no return has been made or."

SCHEDULE C.—*Continued.*

Act amended.	Section.	Manner in which amended.
(44) Same Act.	187 (1)	By striking out the words "in case the right of a municipality to a reeve or deputy reeve or reeves or" in the 1st and 2nd lines, and the words "or appointment" in the 3rd line, and all the words between the words "took place and" in the 7th line and the words "any candidate" the 11th line, and all the words between the word "thereat" in the 12th line and the words "may be the relator" in the 15th line, and by inserting the words "county councillor" after the word "alderman" in the 4th line.
(45) Same Act.	187 (2)	By adding at the end of the subsection the words "and the word "Judge" in sections 188 to 208 inclusive, and sections 2 2 to 221 inclusive, shall include such Master or officer."
(46) Same Act.	188	By striking out all the words after the word "elected" where it secondly occurs in the 6th line and substituting the following, "or the validity of the election of any mayor, warden, reeve, deputy reeve, alderman, county councillor or councillor, the Judge shall grant his fiat authorizing the relator upon entering into a sufficient recognizance as hereinafter provided to serve a notice of motion in the nature of a *quo warranto* to determine the matter. (2) The recognizance shall be entered into before the Judge or before a Commissioner for taking affidavits or bail, by the relator in the sum of $200.00 and by two sureties (to be allowed as sufficient by the Judge upon affidavit of justification) each in the sum of $100; and it shall be conditioned to prosecute the motion with effect, and to pay the party against whom the motion is made any costs which may be adjudged him against the relator. (3) When the sufficiency of the said sureties has been determined and the said recognizance allowed as sufficient by the said Judge he shall note or indorse thereon and upon the fiat allowing service of the notice of motion the words "recognizance allowed" and shall initial the same

SCHEDULE C.—*Continued.*

Act amended.	Section.	Manner in which amended.
		(4) Where the proceedings are taken before a Judge of the High Court or before the Master in Chambers or other officer having jurisdiction to sit for the Master in Chambers, the same shall be entitled and conducted in the High Court of Justice in the same manner as other proceedings in Chambers; and where the proceedings are taken before the Judge of the County Court the same shall be entitled and conducted in the County Court in the same manner as other proceedings in Chambers.
(47) Same Act.	189	By striking out of lines 6, 7 and 8 the words "Registrar at Toronto of the Division of the High Court to which the matter is assigned," and substituting therefor the words, "proper office of the High Court of Justice."
(48) Same Act.	195	By inserting after the words "deputy returning officer" in the fourth line the words "or any other person as."
(49) Same Act.	196	By inserting instead of the word "defend" in the third line the word "prosecute."
(50) Same Act.	197	By striking out the words "or the right to a deputy reeve or deputy reeves" in the 3rd line.
(51) Same Act.	197	By striking out all the words of the section after the word "election" in the 2nd and 3rd lines down and inclusive of the words "before him and" in the 6th line, and by inserting as section 193*a* the following: "193*a*. The Judge may require the clerk of the municipality to produce before him such assessment rolls, collector's rolls, ballot papers, books, voters' or other lists and such other records of the election and papers in his hands connected therewith as to the said Judge may from time to time seem fit."

SCHEDULE C.—*Continued.*

Act amended.	Section.	Manner in which amended.
(52) Same Act.	200	By adding after the words "County of," in the 7th line the words, "and also to the relator or his solicitor," and by inserting after the word "Judge" in the 9th line the words, "and to the relator or his solicitor."
(53) Same Act.	201	By striking out the section.
(54) Same Act.	208	By striking out all the words of the section down to and inclusive of the words "office aforesaid," in the 6th and 7th lines, and substituting therefor the following—"The Judges of the High Court of Justice or such of them as may be authorized by *The Judicature Act* to make general rules for regulating the practice of the High Court, may by rules settle the forms of any writs, notices, orders, or other proceedings to be issued, given or made under sections 187 to 207 inclusive of this Act."
(55) Same Act.	209 (2)	By inserting in lines 4 and 6 after the word "procure" the words "or defeat," and by substituting "at the voting upon" for the word "for" in the 7th line.
(56) Same Act.	209 (3)	By inserting in lines 3 and 4 after the word "procure" the words "or defeat," and by substituting "at the voting upon" for the word "for" in the 6th line.
(57) Same Act.	210	By inserting in the 8th and 14th lines after the words "municipal election" the words, "or at the voting upon any by-law."
(58) Same Act.	247	By inserting the word "reasonable" for the word "seasonable" in the 4th line.
(59) Same Act.	277	By inserting the words "county councillor" after the words "deputy reeve" in the 2nd line.
(60) Same Act.	309 (1)	By substituting the word "intended" for the word "purported" in the last line of the said section.

SCHEDULE C.—*Continued.*

Act amended.	Section.	Manner in which amended.
(61) Same Act.	310, 311, 312	By substituting in section 310 in the 4th clause of the oath and in sections 311 and 312 in the 5th clause of the oath for the words "in the ward for which this vote is taken" the words "in this township (or ward *as the case may be*)," and by substituting in section 310 in the 6th clause and in sections 311 and 312 in the 7th clause of the said oath the word "intended" for the word "purporting."
(62) Same Act.	331	By substituting the word "defect" for the word "want" in the 7th line.
(63) Same Act.	332 (3)	By inserting after the words "with effect," in the 11th line, the words, "and to pay to the municipality any costs which may be adjudged to them against the applicant."
(64) Same Act.	336 (2)	By substituting for the words, "one of the Registrars of the High Court at Toronto" the words, "proper office of the High Court of Justice."
(65) Same Act.	344 (1)	By inserting at the beginning of the subsection the words "subject to the provisions of section 37 of *The County Council's Act, 1896*, and of this Act," and by striking out all the words after the words "sections of this Act" in the 8th line.
(66) Same Act.	344 (2)	By adding at the end of the subsection the following words: "and to issue debentures for that purpose at such rates and upon such terms and payable at such times as they may do for meeting any other liability of the said county or city."
(67) Same Act.	352 (4)	By substituting the word "defect" for the word "want" in the 6th line of this subsection.
(68) Same Act.	357 (1)	By adding thereto after the words— "exclusive of school rates," the words— "and local improvement rates."

SCHEDULE C.—*Continued.*

Act amended.	Section.	Manner in which amended.
(69) Same Act.	378 (3)	By inserting therein after the words "competent jurisdiction" in the 6th line of the subsection the words "And in case the council of the municipality upon the requst of any ratepayer refuse or neglect for one month thereafter to bring an action therefor in the name of the municipality, the action may be brought by any ratepayer on behalf of himself and of all the other ratepayers of the municipality."
(70) Same Act.	387	By inserting after the word "directed" in the first line, the words "or authorized."
(71) Same Act.	391, 392 393	By striking out the said sections and substituting therefor the following:— "391 (1) Where real property is, pursuant to a by-law of a municipal council, entered upon, taken or used by the municipal corporation in the exercise of any of its powers, or is injuriously affected thereby, any owner or occupier of, or person interested in such property may, after the passing of the by-law, appoint an arbitrator to determine the compensation to which he is entitled and give to the head of the council due notice of such appointment. "(2) Within seven days after a notice has been served under the preceding sub-section, the head of the council (if authorized by by-law) shall appoint a second arbitrator, and give notice thereof to the person who has served the notice under the said sub-section. (*See 55 V. c 42, s. 391.*) "392. In case there are several persons interested, but having distinct interests in the property (whether such persons are all interested in the same piece of property, or some or one in one part thereof and some or one in another part thereof), the municipal council may by the by-law or by any subsequent by-law provide that the claims of all such persons shall be disposed of by one award. (*See 55 Vict. c. 42, ss. 392, 393.*)

SCHEDULE C.—*Continued.*

Act amended.	Section.	Manner in which amended.
		"393. (1) In case a notice has not been served under subsection 1 of section 391, the municipal council may serve upon the owner, occupier or person interested in the property, a copy of the by-law (certified under the hand of the clerk of the council to be a true copy) together with a notice in writing of the appointment of an arbitrator on behalf of the municipal council. (*See 55 Vict. c. 42, s. 391 part.*) "(2) Such owner, occupier or person interested shall within seven days after such service—or in the case provided for by section 392 the persons having distinct interests as therein mentioned, shall agree upon and shall within 21 days from such service—appoint an arbitrator on his or their behalf, as the case may be, and give notice thereof to the municipal council." (*See 55 Vict. c. 42, ss. 292 part, 393 part.*)
(72) Same Act.	420	By striking out the words "or under the authority of" in the 1st and 2nd lines, and also by striking out all the words after the word "including" in the 12th line and substituting therefor the words "the costs of the committal and conveyance of the offender to the common gaol, house of correction or lock up house, are sooner paid."
(73) Same Act.	421	By striking out the words "the justice or other authority" in the first line of the section and substituting therefor the words "all prosecutions for any offence against a municipal by-law or a by-law of a Board of Police Commissioners may be had by summary proceedings before a justice of the peace for the county or of the municipality in which the offence was committed and the justice."
(74) Same Act.	423*a* (1)	By striking out of the 18th, 19th, 20th, and 21st lines of said section the words "and it is hereby declared that section 420 of this Act did and does apply to such by-laws heretofore passed and shall apply to any such by-laws hereafter to be passed."
(75) Same Act.	424	By inserting after the words "under this Act" in the 2nd line he words "and upon any prosecution for an offence against any by-law passed by a municipal council or by a Board of Commissioners of Police under the authority of this Act."

SCHEDULE C.—*Continued.*

Act amended.	Section.	Manner in which amended.
(76) Same Act.	427	By striking out of the 19th and 20th lines of the form of conviction given in said section the words "and all costs and charges of conveying" and substituting therefor the words "and the costs of the said distress and of the committal and conveyance of."
(77) Same Act.	436 (4)	By striking out the sub-section.
(78) Same Act.	443	By substituting the words "crimes and offences" for the words "felonies and misdemeanours" in the 4th line.
(79) Same Act.	450	By inserting after the words "Board of Police" in line 1, the words "in a town"; and by striking out the words "or city" in the 4th line, and all the words of the section after the words "has expired" in the 9th line.
(80) Same Act.	462 (3)	By striking out the subsection and sub-substituting therefor as section 462*a* the following ; "462*a*. The council of every city having a population of 50,000 and over may pass by-laws ; (1) For erecting and establishing within the city an institution for the reclamation and cure of habitual drunkards." And by re-numbering subsections (4) and (5) of section 462, as subsections (2) and (3) of section 462*a*.
(81) Same Act.	462 (5)	By substituting for the words "in the event of any city establishing an institution for the reclamation and cure of habitual drunkards under the provisions of this Act," the words "in the event of an institution for the reclamation and cure of habitual drunkards being established in any city."
(82) Same Act.	479 (19)	By striking out the subsection and substituting therefor the following :– 19. For inflicting reasonable punishment for breach of any of the by-laws of the Council in case of non-payment of the fine inflicted therefor and there being no distress found out of which such fine can be levied, by imprisonment either in the common gaol, house of correction or a

SCHEDULE C.—*Continued.*

Act amended.	Section.	Manner in which amended.
(83) Same Act. —*Con.*	479 (19) —*Con.*	lock-up house of the county or municipality, with or without hard labour, for any period not exceeding six months in the case of a by-law of a city or of a by-law of any municipality for the suppression of houses of ill-fame, and not exceeding in other cases twenty-one days, unless in any of the said cases the fine inflicted and costs (if any), including the costs of the distress and of the committal and conveyance of the offender to the gaol, house of correction or lock-up house are sooner paid.
(84) Same Act.	479 (21)	By transferring the subsection to section 503 as subsection 9*a* thereof.
(85) Same Act.	489 (41)	By adding to the subsection the words (from section 521 (14), "and for regulating manufactures or trades which may prove to be nuisances."
(86) Same Act.	489 (51)	By transferring this subsection to section 503 as subsection 2*a* thereof.
(87) Same Act.	493	By substituting for the words "and town" in the first line the words "town and village."
(88) Same Act.	505	By striking out all the words of the section from the words "city or town" in the twenty-ninth line down to and inclusive of the words "this section" in the thirty-seventh line and substituting the following: "from time to time to raise on the credit of the said corporation such further sums as may be necessary to extend or improve the said works or to pay the expense of any extensions or improvements thereof already made or completed, wholly or in part, and to pass by-laws for levying on the whole rateable property of the said corporation an annual special rate sufficient to defray the yearly interest upon the sums so expended, and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding thirty years nor less than five years; and in such cases it shall not be necessary to comply with the preceding requirements of this section, or to obtain the assent of the electors or ratepayers to such by-law or by-laws."
(89) Same Act.	507	By adding at the end of the section the words "and the said price shall thereupon be determined by arbitration under the provisions of this Act."

SCHEDULE C.—*Continued.*

Act amended.	Section.	Manner in which amended.
(90) Same Act.	510*a*	By inserting the words "and village" after the word "town" in line 1.
(91) Same Act.	514(21)	By striking out the subsection.
(92) Same Act.	532	By substituting for the word "or" in the eleventh line the word "streams," and by substituting for the word "municipality" in the thirteenth line the words "local municipalities in the county."
(93) Same Act.	535 (1)	By inserting after the word "rivers" in the second line the words "streams, ponds or lakes," and after the word "river" in the fifth line the words "stream, pond or lake."
(94) Same Act.	535 (2)	By inserting after the word "river" in the fifth and seventh lines the words "stream, pond or lake."
(95) Same Act.	535 (3)	By inserting after the word "rivers" in the third and sixth lines the words "streams," and after the word "river" in the ninth line the word "stream."
(96) Same Act.	535 (4)	By striking out all the words after the word "all" in the fourth line and substituting the following: "all necessary bridges over rivers, streams, lakes and ponds of less width than eighty feet forming or crossing such boundary line."
(97) Same Act.	535*a*	By striking out the words "or stream" in the fourth line and substituting the words "stream, lake and pond."
(98) Same Act.	536 (1) & 537	By inserting after the word "rivers" in the fourth line of section 536 (1) and in the fifth line of section 537, the words "streams, lakes or ponds."
(99) Same Act.	537	By substituting for the word "necessary" in the fourth line the words "the duty of the County Council under the provisions of this Act."

SCHEDULE B.—*Continued.*

Act amended.	Section.	Manner in which amended.
(100) Same Act.	538	By inserting after the word "river" in the eighth line the words "stream, lake or pond."
(101) Same Act.	542	By adding at the end of the section the words "whose duty it is to repair the same."
(102) Same Act.	546 (5)	By substituting for the words "property owners" in the second line of the clause the words "owners of or persons," and for the words "recompense or price of" in the fourth line of the clause the words "price of or compensation to be paid for."
(103) Same Act.	547 (2)	By inserting after the word "interested" in the fifth line the words "or of the municipality."
(104) Same Act.	550 (2*a*)	By substituting for the word "injured" in the seventh line the words "injuriously affected."
(105) Same Act.	566 (2)	By inserting after the word "river" in the 6th line, the words "or stream."
(106) Same Act.	616 (2)	By substituting for the figures "629" in the second line the figures "630*a*."
(107) Same Act.	617*a*.	By substituting for the figures "623" at the end of the 3rd line the figures "630*a*."
(108) Same Act.	619 (2)	By inserting after the word "by-law" in the 1st line the words "passed under the preceding subsection," and after the words "borrowing money" the words "by the issue of debentures as aforesaid."
(109) Same Act.	618 (2)	By striking out all the words of the subsection after the word "lessees" in the 9th line thereof.
(110) Same Act.	629 (1)	By substituting for the words "freeholders and householders resident in any street, square, alley or lane representing in value one-half of the assessed real pro-

SCHEDULE C.—*Continued.*

Act amended.	Section.	Manner in which amended.
(110) Same Act.—*Con.*	629 (1)	perty therein," the words "persons resident in any street, square, alley or lane whose names appear upon the last revised assessment roll of the municipality as freeholders or tenants of the assessed real property therein representing in value one-half of the said assesed real property."
(111) Same Act.	630*a*	By inserting after the word "owners" in the 49th line the words "whose names appear by the last revised Assessment Roll of the municipality as"
(112) Same Act.	632	Clause 1. By inserting after the word "rated" in the 2nd line of the clause, the words "upon the last revised assessment roll of the municipality."
(113) Same Act.	635*a*. (2)	By inserting the word "resident" after the word "freeholders" in the 7th line.
(114) Same Act.	644	By inserting the word "last" after the word "revised" in the 1st line.
(115) Same Act.	652	By inserting the words "last revised" before the words "Assessment Roll" in the 8th line."
(116) Same Act.	671	By striking out all the words of the section down to the word "all" in the 13th line.
(117) "The Municipal Amendment Act, 1893." (56 Vic. cap 35.)	11	By striking out the words "and the council of any city in which there is no board of commissioners of police" in subsection 2, and the words "or the council of any city in which there is no board of commissioners of police" in subsection (2*a*).
(118) "The Municipal Amendment Act, 1895" 58 V. c. 42.	26	By substituting for the words "over 100,000 inhabitants" in the 2nd line the words "100,000 inhabitants or over."
(119) Same Act.	30	By striking out the words "subways or bridges for cattle under any highway" in the 4th and 5th lines and substituting therefor the words "subways for cattle under or bridges for cattle over any highway."

SCHEDULE C.—*Continued.*

Act amended.	Section.	Manner in whtch amended.
120) "An Act respecting Convictions under Municipal By-laws." 58 V. c. 44.	1	By inserting after the word "by-law" in the 2nd line the words "or any by-law of a Board of Police Commissioners," and by adding at the end of the section the words "in the case of a by-law passed by a municipal council, or in the manner provided by section 437 of the said Act in the case of a by-law of a Board of Police Commissioners."
(121) "The Municipal Amendment Act, 1896." 59 V. c. 51.	14	By substituting for the words "a population of over 100,000" in the 3rd and 4th lines the words "a population of 100,000 or over."
122) Same Act.	28 (2)	By striking out all the words of the proviso from and inclusive of the words "interfere therewith" in the 5th line down to and inclusive of the words "benefited being" in the 7th line and substituting the following :— "Interfere with or alter the said statement as to the lands liable to pay the said assessments unless and only so far as upon the evidence he finds that they have been incorrectly measured or, or unless lands other than those fronting or abutting upon the street, or place, or portion of a street whereon the work or improvement is proposed to be done or made, are alleged to be benefited and are"
(123) Same Act.	30, 31	By substituting for the words "in cities of over 100,000 inhabitants" in the 1st line of each of the said sections the words "in cities having a population of 100,000 or over."
124) "The County Councils Act, 1896." 59 Vic. cap. 52.	5	By inserting after the words "two years" at the end of the 4th line the words "and until their successors are elected and sworn into office, and the new council is organized." (See *55 V. c. 42, s. 88.*
125) Same Act.	6	By inserting the words "but upon the days" after the words "alternate years" in line 2.

SCHEDULE C.—*Continued.*

Act amended.	Section.	Manner in which amended.
(125) "An Act respecting the establishment of Municipal Institutions in the Districts of Algoma, etc" R. S. O. c. 185.	23	By striking out the words "within two months after the time fixed for returning the roll" in lines 1 and 2, and by adding at the end of the section the words "and the roll shall be finally passed by the Court within two months after the time fixed, pursuant to section 21, for returning the same to the clerk of the municipality."
(126) Same Act.	25	By striking out subsection 1 and substituting therefor the following: "(1) The Judge or stipendiary magistrate shall hear such appeals and shall return the roll to the clerk of the municipality within six weeks from the date fixed by section 23 of this Act for the final passing of the roll by the Court of Revision."
(127) Same Act,	26	By inserting after the word "appeal" where it secondly occurs in line 1 the words "be given within ten days after the date fixed by section 23 of this Act for the final passing of the roll by the Court of Revision, and shall"
(128) "The Consolidated Assessment Act, 1892." (55 V. c. 48.)	2 (16)	By adding the words "and an assessment roll shall be understood to be finally revised and corrected when it has been so revised and corrected by the Court of Revision for the municipality, or by the Judge of the County Court on appeal as by this Act provided, or when the time within which appeal may be made has elapsed." (*See 52 V., c. 3, s. 3 (15).*)
(129) Same Act.	45 (2)	By striking out the subsection and substituting therefor the following:—(2) "the fine for failing to deliver such written statement when required to do so under section 42 shall be $20.00, and under section 43 shall be $100, and for knowingly stating anything falsely therein shall be $50."
(130) Same Act.	93 (2)	By substituting for the words "In townships where farm lots have been subdivided into park or village lots and the owners are not resident and" the words "In townships where farm lots or portions thereof are owned by non-residents who" and by striking out the word "village" in the last line of the section.

SCHEDULE C.—*Continued.*

Act amended.	Section.	Manner in which amended.
(131) Same Act.	101	By striking out the word "August" in the 7th line and substituting therefor the word "November;" and by inserting in line 9 after the word "roll" the words "of the next following year."
(132) Same Act.	124	By striking out all the words in subsection 1 after the word "premises" in line 14, and by adding the following subsections to said section :— "(4) The costs chargeable in respect of any such distress and levy shall be those payable to bailiffs under *The Division Courts Act*. (5) No person shall make any charge for anything in connection with any such distress or levy unless such thing has been actually done. (6) In case any person offends against the provisions of subsection (5) of this section or levies any greater sum in respect of such costs than is authorized by subsection (4) of this section, the like proceedings may be taken against such person by the person aggrieved as may be taken by the party aggrieved in the cases provided for by sections 2 to 7 inclusive of chapter 63 of *The Revised Statutes, 1887*, and all the provisions of the said sections shall apply as fully as if enacted *mutatis mutandis* in this Act."
(133) Same Act.	170 (2)	By inserting after the words "so sold" in the 11th line the words "for less than the full amount chargeable against the same as aforesaid" and after the words "expenses of sale" in the 14th line, the words "And the ten per cent. provided for in section 180 of this Act."
(134) Same Act.	30	By inserting the word "may" for the words "shall not" in the first line, by substituting for the word "by-law" in the 2nd line the words "a by-law or by-laws," and by inserting the word "not" after the word "loans" in the 3rd line of the section.
(135) Same Act.	180	By inserting at the beginning of the section the words "Subject to the provisions of subsection (2) of section 170."

SCHEDULE C.—*Continued.*

Act amended.	Section.	Manner in which amended.
(136) Same Act.	192 (2)	By striking out of line 1 of the subsection the words "verdict is found" and substituting therefor the words "judgment is pronounced" and by inserting after the word "issue" in line 2 the words "until the expiration of one month thereafter and until", and by substituting for the words "on or before the fourth day of the ensuing sittings" in the 5th line the words "within the said period of one month."
(137) Same Act.	207	By striking out the word "partly" in lines 1 and 2 and inserting after the word "from" in line 2 the words "two or more municipalities or portions of."
(138) Same Act.	232	By inserting after the word "county" in the 2nd line the words "or city."
(139) Same Act.	239	By substituting for the words "county, city or town" in the 5th and 6th lines, the words "municipality affected thereby."
(140) Same Act.	251	By striking out all the words in the last two lines, after "$20."
(141) Same Act.	Schedule C.	By striking out the words "*(or as the case may be)*" in the 3rd line, and insert- in lieu thereof the words "either in my own right or."
(142) Same Act.	Schedule F.	By striking out the words "*(or as the case may be)*" in the 4th and 5th lines and inserting in lieu thereof the words "either in his own right or."
(143) "The Assessment Amendment Act, 1892." (55 Vic. cap. 49.	12	By striking out the word "householder" in the 2nd and 7th lines of paragraph 3 of the form of assessor's affidavit verifying his roll.

No. 179.

3rd Session, 8th Legislature, 60 Vict., 1897.

Bill.

An Act to amend various Statutes in view of the Statute Revision.

First Reading, 7th April, 1897.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
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No. 180.] BILL. [1897.

An Act for amending and consolid ting the Enactment respecting References and Arbitration.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Arbitration Act, 1897.* Imp. Act, 52-53 V. c. 49, s. 30.

Interpretation "Submission."

2. In this Act, unless the contrary intention appears, "Submission" means a written agreement to submit present or future differences to arbitration, whether an arbitrator is named therein or not.

"Court."

"Court" means Her Majesty's High Court of Justice.

"Judge."

"Judge" means Judge of Her Majesty's High Court of Justice.

"Rules of Court."

"Rules of Court" means the Rules of the Supreme Court, made by the proper authority under *The Judicature Act.* Imp. Act, 52-53 V. c 49, s. 27.

References by consent out of Court.

Submission irrevocable except by leave.

3. A submission, unless a contrary intention is expressed therein shall be irrevocable, except by leave of the Court or a Judge, and shall have the same effect in all respects as if it had been made an order of Court. Imp. Act. 52-53 V. c. 49. s. 1.

Submission to include provisions in schedule A.

4. A submission, unless a contrary intention is expressed therein, shall be deemed to include the provisions set forth in schedule A to this Act, so far as they are applicable to the reference under the submission. Imp. Act. 52-53 V. c. 49,s. 2.

Official referee to act when applied to.

5. Where a submission provides that the reference shall be to an official referee, any official referee to whom application is made shall hear and determine the matters agreed to be referred. Imp. Act, 52-53 V. c. 49, s. 3.

Staying other proceedings taken after submission.

6. If any party to a submission, or any person claiming through or under him, commences any legal proceedings in any Court against any other party to the submission, or any person claiming through or under him, in respect of any matter agreed to be referred, any party to such legal proceedings may at any time after appearance, and before delivering any pleadings or taking any other steps in the proceedings, apply to that Court to stay the proceedings, and that Court, or a Judge thereof, if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the submission, and that the applicant was, at the time when the proceedings were commenced, and still remains, ready and willing to do all things necessary to the proper conduct of the arbitration, may make an order staying the proceedings. Imp. Act, 52-53 V. c. 49, s. 4.

Power for the court in certain cases to appoint an arbitrator, umpire or third arbitrator.

7. In any of the following cases:—

(*a*) Where a submission provides that the reference shall be to a single arbitrator, and all the parties do not, after differences have arisen, concur in the appointment of an arbitrator.

(*b*) If an appointed arbitrator refuses to act, or is incapable of acting, or dies; and the submission does not show that it was intended that the vacancy should not be supplied, and the parties do not supply the vacancy.

(*c*) Where the parties or two arbitrators are at liberty to appoint an umpire or third arbitrator and do not appoint him.

(*d*) Where an appointed umpire or third arbitrator refuses to act, or is incapable of acting, or dies, and the submission does not show that it was intended that the vacancy should not be supplied, and the party or arbitrators do not supply the vacancy.

Any party may serve the other parties or the arbitrators, as the case may be, with a written notice to appoint an arbitrator, umpire or third arbitrator. If the appointment is not made within seven clear days after the service of the notice, the Court or a Judge may, on application by the party who gave the notice, appoint an arbitrator, umpire or third arbitrator, who shall have the like powers to act in the reference and make an award as if he had been appointed by consent of all parties. Imp. Act, 52-53 V. c. 49, s. 5.

8. Where a submission provides that the reference shall be to two arbitrators, one to be appointed by each party, then, unless the submission expresses a contrary intention :— Power of parties in certain cases to supply vacancies.

(*a*) If either of the appointed arbitrators refuses to act, or is incapable of acting, or dies, the party who appointed him may appoint a new arbitrator in his place ;

(*b*) If, on such a reference, one party fails to appoint an arbitrator, either originally or by way of substitution as aforesaid, for seven clear days after the other party, having appointed his arbitrator, has served the party making default with notice to make the appointment, the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference, and his award shall be binding on both parties as if he had been appointed by consent ;

Provided that the Court or a Judge may set aside any appointment made in pursuance of this section. Imp. Act, 52-53 V. c. 49, s. 6.

9. The arbitrators or umpire acting under a submission shall, unless the submission expresses a contrary intention, have power :— Power of arbitrators.

(*a*) To administer oaths or to take affirmations of the parties and witnesses appearing, and

(*b*) To state an award as to the whole or part thereof in the form of a special case for the opinion of the Court ; and

(*c*) To correct in an award any clerical mistake or error arising from any accidental slip or omission. Imp. Act, 52-53, V. c. 49, s. 7.

10. Any party to a submission may sue out a writ of subpœna *ad testificandum*, or a writ of subpœna *duces tecum*, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action. Imp. Act, 52-53 V. c. 49, s. 8. Summoning witnesses by subpœna.

11. The time for making an award may from time to time be enlarged by order of the Court or a Judge, whether the time for making the award has expired or not. Imp. Act, 52-53 V. c. 49, s. 9. Enlarging time for making award.

12.—(1) In all cases of reference to arbitration the court or a judge may from time to time remit the matters referred, or any of them, to the reconsideration of the arbitrators or umpire. Imp. Act. 52-53 V. c. 49. s. 10. Power to remit award

(2) Where an award is remitted, the arbitrators or umpire shall, unless the order otherwise directs, make their award within three months after the date of the order.

Power to set aside award.

13.—(1) Where an arbitrator or umpire has misconducted himself the Court may remove him.

(2) Where an arbitrator or umpire has misconducted himself, or an arbitration or award has been improperly procured, the Court may set the award aside. Imp. Act, 52-53 V. c. 49, s. 11.

Enforcing award.

14. An award on a submission may by leave of the Court or a Judge, be enforced in the same manner as a judgment or order to the same effect. Imp. Act, 52-53 V. c. 49, s. 12.

Where submission provides for appeal.

15. Where it is agreed by the terms of the submission that there may be an appeal to the High Court, the reference shall be conducted and an appeal shall lie to the High Court and Court of Appeal in the same manner as in the case of references under Order of Court.

Evidence, how taken on defence.

16. The evidence of the witnesses examined upon such reference shall be taken down in writing and shall, at the request of either party, be transmitted by the arbitrator or umpire as the case may be, together with the exhibits, to the Central office at Osgoode Hall. *(New).*

Commissions to examine witnesses.

17.—(1) In case a party to a reference by submission is desirous of having and submitting therein to and before the referee, arbitrator or umpire, the testimony of any aged or infirm person resident within Ontario, or of a person who is about to withdraw therefrom, or who is residing without the limits thereof, the High Court, or a Judge thereof, may upon the motion of the party, and upon hearing the other parties to the reference, order the issue of a commission under the seal of the said Court in that behalf, to a commissioner, to take the examination of such person. R. S. O. 1887, c. 53, s. 49.

Notice of commission to be given.

(2) Due notice of the executive commission shall be given to the adverse party, to the end that he may cause the witness to be cross-examined. R. S. O. 1887, c. 53, s. 50.

Return of commission.

(3) In case the examination of the witness taken without the limits of Ontario, pursuant to the commission, is proved by an affidavit of the due taking of the examination, sworn before and certified by the mayor or chief magistrate of the city or place where the same has been taken, and in case the commission, with the examination and affidavit thereto annexed, is returned to the Court, enclosed in a cover under the hand and seal of one or more of the Commissioners, the same shall *prima facie* be deemed to have been duly taken, executed and returned, and shall be received as evidence in the matter of the reference by and before the referee,

arbitrator or umpire, unless it is made to appear to the Court or to a judge thereof, that the same was not duly taken, or unless it is made to appear to and before the said referee, arbitrator or umpire that the deponent is of sound mind, memory and understanding, and living within Ontario, at the time the examination is offered in evidence, R. S. O. 1887, c. 53, s. 51

COSTS ON REFERENCES BY CONSENT OUT OF COURT.

18. In sections 19 to 27 inclusive of this Act. Intrepretation.

"Arbitrator" shall include umpire and referee in the nature of an arbitrator; and "Arbitrator."

"Award" shall include umpirage and certificate in the nature of an award. R. S. O. 1887, c. 53, s. 19. "Award."

19. No arbitrator, who is not by profession and calling a barrister, solicitor, engineer, architect, or Ontario land surveyor, shall be entitled to demand or take for his attendance and services as an arbitrator any greater fees than are hereinafter set down in Schedule B to this Act. R. S. O. 1887, c. 53, s. 20. Fees to arbitrators not being barristers, architects, etc.

20. No arbitrator, who is by profession and calling a barrister solicitor, engineer, architect, or Ontario land surveyor, shall be entitled to demand or take for his attendance and services as such arbitrator any greater fees than are hereinafter set down in Schedule C to this Act. R. S. O. 1887, c. 53, s. 21. Fees to arbitrators being barristers, architects, etc.

21. No greater fees shall be taxed or allowed to any person called as a witness before an arbitrator than would be taxed and allowed to the same person in an ordinary action before a Court having jurisdiction over the subject of the reference R. S. O. 1887, c. 53, s. 22. Fees to witnesses.

22. Where, at a meeting of arbitrators, of which due notice has been given, no proceedings are taken in consequence of the absence of any party, or because a postponement is made by the arbitrators at the request of any party to some future day, the arbitrators shall make up an account of the costs of the meeting, including the proper charges for their own attendance and that of any witnesses, and of the counsel or solicitor of the party present, or not desiring the postponement, and (unless, under the special circumstances of the case, they think that it would be unjust so to do, they shall charge the amount thereof, or of the disbursements against the party in default or at whose request the postponement is made, and the last named party shall be bound to pay the same to the other party, whatever may be the event of the reference, and the arbitrators shall, in the award, make any direction neces- In case of absence of parties, or postponement at their request, costs of meeting to be charged against them.

sary for that purpose, and if such sum is payable by the party in whose favour the award is otherwise made, it may be set off against, and deducted from, any amount awarded in favour of that party. R. S. O. 1887, c. 53, s. 23.

Taxing costs on arbitrations.

23. Any party to an arbitration shall be entitled to have the costs thereof, including the fees to the arbitrators, taxed by one of the taxing officers of the Supreme Court, at Toronto, upon an appointment which may be granted by the taxing officer for that purpose on a proper application on affidavit setting forth the facts. R. S. O. 1887, c. 53, s. 24.

Discretion of taxing officer.

24.—(1) The taxing officer shall in no case, except as provided in section 23, tax higher fees than are set down in this Act, but, upon reasonable grounds established upon affidavit, he may reduce the maximum mentioned in the schedules, but not below the minimum, having always regard to the length of the arbitration and to the value of the matter in dispute, and the difficulty of the questions to be decided; but he shall not tax more than one counsel fee to either party for any meeting of the arbitrators. R. S. O. 1887, c. 53, s. 25.

Costs of award.

(2) The taxing officer may tax and allow a reasonable sum for the preparation and drawing up of the award. R. S. O. 1887, c. 53, s. 26.

Revision of taxation.

(3) An appeal may be had from such taxation in the same manner as from the taxing officer's certificate of taxation in an action.

Agreement to refer may include fees to arbitrators.

25. The parties to the submission may agree, by writing signed by them or by making such agreement a part of the submission, to pay to the arbitrator or arbitrators, if more than one, such fees or sums for each day's attendance, or such gross sums for their taking upon themselves the burden of the reference and making the award, as the said parties see fit, and in every such case the fees and sums so agreed upon shall be substituted for those set down and authorized in the schedules to this Act, and shall be taxed and allowed by the taxing officer accordingly. R. S. O. 1887, c. 53, s. 28.

Penalty for arbitrator attempting to exact excessive fees.

26. An arbitrator who, after having entered upon the reference, refuses or delays after the expiration of one month from the publication of the award to deliver the same until a larger sum is paid to him for his fees than is by this Act permitted; or receives for his award or for his fees as arbitrator any such larger sum, shall forfeit and pay to the party who has demanded delivery of the award or who has paid to the arbitrator such larger sum in order to obtain, or as a consideration for having obtained it, treble the excess so demanded by and paid to the

arbitrator and received by him contrary to the provisions of this Act, to be recovered with costs in an action to be brought in the High Court. *New.*

27. In all cases where an award is made the arbitrator may maintain an action for his fees upon the award, after the same have been taxed, which taxation may be made at the instance of the arbitrator, upon notice to the parties to the reference; and in the absence of an express agreement in respect thereof, the arbitrator may maintain such action, after taxation, against all the parties to the reference, jointly or severally. R. S. O. 1887, c. 53, s. 30. Arbitrator to have action for fees.

Beferences under Order of Court.

28. Subject to rules of Court and to any right to have particular cases tried by a jury, the Court or a Judge may refer any question arising in any cause or matter for inquiry or report to a Judge of the County Court or to any official referee or to a special referee agreed upon by the parties. Reference for report.

29. In any cause or matter, Power to refer in certain cases.

(*a*) If all the parties interested who are not under disability consent: or,

(*b*) If the cause or matter requires any prolonged examination of documents or any scientific or local investigation which cannot in the opinion of the Court or a Judge conveniently be made before a jury or conducted by the Court or Judge directly: or,

(*c*) If the question in dispute consists wholly or in part of matters of account.

The Court or a Judge may at any time order the whole cause or matter or any question or issue of the fact arising therein or question of account to be tried either before a Judge of a County Court or before a special referee agreed on by the parties, or before an official referee. Imp. Act, 52-53 V. c. 49, s. 14.

30.—(1) In all cases of reference to or trial by an official or special referee under an order of the Court or a Judge in any cause or matter, the official or special referee shall be deemed to be an officer of the court, and shall have such authority, and shall conduct the reference in such manner, as may be prescribed by rules of Court, and subject thereto as the Court or a Judge may direct. Powers and remuneration of referees.

(2) The remuneration to be paid to any special referee to whom any matter is referred under order of the Court or a Judge may be determined by the Court or a Judge. Imp. Act, 52-53 V. c. 49, s. 15.

(3) The remuneration, fees, charges and disbursements payable to an official referee, and, in the absence of any special direction, to any special referee shall be the same as are payable to a Local Master.

(4) In case of a reference by the Judge at the trial of any action to a County Judge or to the Registrar or Deputy Registrar, Deputy Clerk of the Crown, Local Master or other officer of the Court, paid wholly or partly by salary of any matter which it would be competent for such Judge to himself try at the said trial, no fees are to be allowed to such referee. This section does not apply to references made in pursuance of the ordinary practice of the Court of Chancery before *The Ontario Judicature Act, 1881.* (*New.*)

(5) The Court or a Judge may at any time order the whole cause or matter or any question or issue of fact arising therein or question of account to be tried either before a Judge of a County Court or before a special referee agreed on by the parties, or before an official referee. Imp. Act, 52-53 V. c. 49, s. 14.

Effect of report of referee after filing.

31. The report of an official or special referee under the two preceding sections may be filed by any party forthwith after the same shall have been made, and upon notice of the filing thereof having been given to the other parties, it shall from the time of service of such notice have the effect of and be subject to all the incidents of a Report of a master as regards confirmation, appealing therefrom, motions thereupon and otherwise.

Evidence to be transmitted to Central Office.

32. The evidence of witnesses examined upon a reference under any order of reference, together with the exhibits therein referred to, shall forthwith, after the making of the report be transmitted by the referee to the Central office at Osgoode Hall. (*New.*)

Appeals from report.

33. The appeal from the report may be heard and decided by a Judge sitting in Court, and the practice to be observed upon such appeal and any further appeal to the Court of Appeal shall in other respects be the practice observed on appeals from the report of a master. (*New.*)

Time for appealing.

34. An appeal from a report shall not be made after the expiration of 14 days from the filing thereof and the giving notice of such filing to the opposite party, unless under special circumstances the Court or a Judge shall allow an appeal after the 14 days. (*New.*)

Court to have same powers as on consent references.

35. The Court or a Judge shall, as to references under order of the Court or a Judge, have all the powers which are by this Act conferred on the Court or a Judge as to references by consent out of Court. Imp. Act 52-53 V. c. 49, s. 16.

36. The Court of Appeal shall have all the powers conferred by this Act on the Court or a Judge thereof under the provisions relating to references under order of the Court. Imp. Act 52-53 V. c. 49, s. 17. Court of Appeal to have powers of Court.

Actions in County Courts.

37. In a County Court, the Judge thereof may make an order to refer in the same manner, with the same effect and with the same powers, as may be exercised by the High Court in any cause therein. R. S. O. 1887, c. 53, s. 10. County Courts may order references as in High Court.

38. In a County Court in which an order of reference is made, an appeal, in like manner and within the same time as in like cases is provided with regard to actions in the High Court, shall lie to the Judge of the County Court, who shall upon such appeal have the same powers as may be exercised by a Judge in like cases in the High Court. R. S. O. 1887, c. 53, s. 11. Appeals and motion to set aside awards in County Courts.

39. An appeal shall lie from any order, judgment, or decision of the County Court Judge to a divisional Court of the High Court, and the proceedings and practice on the appeal as to staying proceedings, and otherwise, shall be similar to the proceedings and practice relating to appeals from County Courts to a Divisional Court. R. S. O. 1887, c. 53, s. 12. Appeals to the Court of Appeal from decision of County Court Judge.

General Provisions.

40. The Court or a Judge may order that a writ of *habeas corpus ad testificandum* shall issue to bring up a prisoner for examination before a County Judge or an official or special referee, or before any arbitrator or umpire. Imp. Act, 52-53 V. c. 49, s. 18 (2). Issuing writs of habeas corpus at test.

41. Any County Judge, referee, arbitrator or umpire may at any stage of the proceedings under a reference, and shall, if so directed by the Court or a Judge, state in the form of a special case for the opinion of the Court any question of law arising in the course of the reference. Imp. Act, 52-53 V. c. 49, s. 19. Statement of case for opinion of Court.

42. Any order made under this Act may be made on such terms as to costs, or otherwise, as the authority making the order thinks just. Imp. Act, 52-53 V. c. 49, s. 20. Costs in discretion of Court.

43. The County Court Judge, Referee or Arbitrator to whom a reference is made, upon the application of any party, and where no special reason appears to him to exist for filing any original book, paper or document as an exhibit, as hereinbefore provided, may, at the close of the reference, and before the said exhibits are so filed, allow a sworn copy of such Copies of documents used as evidence may be filed in lieu of original.

original book, paper or document which has been given in evidence before him of the reference, or of such portions thereof as he may deem material to be subtituted as an exhibit in the place of the original book, paper or document. R. S. O. 1887, c. 53, s. 31.

Production of exhibits on appeals or motions to set aside awards.

44. Upon any appeal or motion to set aside an award, any party may by notice require any other party to produce, and the party so required shall produce upon the hearing of the appeal or motion any original book, paper or document in his possession which has been used as an exhibit or given in evidence upon the reference, and which has not been filed with the depositions. R. S. O. 1887, s. 53, s. 32.

Period within which application to set aside award must be made.

45.—(1) All applications, otherwise than by way of appeal to set aside an award made on a submission shall be made within six weeks after the publication of the award; but the Court or Judge may under special circumstances allow the application to be made after the said month.

(2) In the computation of time in appealing against, or applying to set aside an award, the vacations shall not be reckoned. R. S. O. 1887, c. 53, s. 33.

Crown to be bound.

46. This Act shall apply to any arbitration to which Her Majesty the Queen is a party, but nothing in this Act shall empower the Court or a Judge to order any proceedings to which Her Majesty is a party, or any question or issue in any such proceedings to be tried before any county judge, referee, arbitrator or officer without the consent of Her Majesty. Imp. Act 52-53 V. c. 49, s. 23.

Application of Act to references under statutory powers.

47. This Act shall apply to every arbitration under any Act passed before or after the commencement of this Act as if the arbitration were pursuant to a submission, except in so far as this Act is inconsistent with the Act regulating the arbitration or with any rules or procedure authorized or recognized by that Act; Imp. Act 52-53 V. c. 49, s. 24.

Pending arbitrations.

48. This Act shall not affect any arbitration pending at the commencement of this Act, but shall apply to any arbitration commenced thereafter, under any agreement or order made before the commencement of this Act. Imp. Act 52-53 V. c. 49, s. 25.

Act to be read with judicature Acts and Rules.

49. This Act shall be read and construed as in *pari materia* with *The Judicature Act* and with the Consolidated General Rules of Practice, in force in this Province, applicable to the subject matter thereof. (*New.*)

Rules of court.

50. Rules of Court may be made from time to time by any authority to whom is committed power of making rules under *The Judicature Act*, for the better carrying out the purpose of this Act, and regulating the practice thereunder. (*New.*)

Repeal of previous enactments.

51.—(1) The enactments described in schedule C to this Act, are hereby repealed to the extent therein mentioned, but this repeal shall not affect anything done or suffered, or any right acquired or duty imposed or liability incurred, before the commencement of this Act, or the institution or prosecution to its termination of any legal proceeding or other remedy for ascertaining or enforcing any such liability.

(2) Any enactment or instrument referring to any enactment repealed by this Act, shall be construed as referring to this Act. Imp. Act, 52-53 V. c. 49, s. 26.

Submission under 57 V. c. 24.

52. A submission under *The Boards of Trade General Arbitration Act* shall, unless a contrary intention is expressed therein, have the same effect in all respects as if it had been made an order of court, and the award thereunder may be enforced in the same manner as an award on a submission may be enforced under this Act.

53. This Act shall commence and come into operation on the 1st day of September, one thousand eight hundred and ninety-seven. Imp. Act, 52-53 V. c. 49, s. 29.

SCHEDULES.

Schedule A.

PROVISIONS TO BE IMPLIED IN SUBMISSIONS.

(*a*) If no other mode of reference is provided, the reference shall be to a single arbitrator.

(*b*) If the reference is to two arbitrators, the two arbitrators may appoint an umpire at any time within the period during which they have power to make an award.

(*c*) The arbitrators shall make their award in writing within three months after entering on the reference, or after having been called on to act by notice in writing from any party to the submission, or on or before any later day to which the arbitrators, by any writing signed by them, may from time to time enlarge the time for making the award.

(*d*) If the arbitrators have allowed their time or extended time to expire without making an award, or have delivered to any party to the submission, or to the umpire, a notice in writing, stating that they cannot agree, the umpire may forthwith enter on the reference in lieu of the arbitrators.

(*e*) The umpire shall make his award within one month after the original or extended time appointed for making the award of the arbitrators has expired, or on or before any later day to which the umpire by any writing signed by him may from time to time enlarge the time for making his award.

(*f*) The parties to the reference, and all persons claiming through them respectively, shall subject to any legal objection, submit to be examined by the arbitrators or umpire, on oath or affirmation, in relation to the matters in dispute, and shall subject as aforesaid, produce before the arbitrators or umpire all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings on the reference the arbitrators or umpire may require.

(*g*) The witnesses on the reference shall, if the arbitrators or umpire think fit, be examined on oath or affirmation.

(*h*) The award to be made by the arbitrators or umpire shall be final and binding on all the parties and the persons claiming under them respectively.

(*i*) The costs of the reference and award shall be in the discretion of the arbitrators or umpire, who may direct to and by whom and in what manner those costs or any part thereof shall be paid, and may award costs to be paid as between solicitor and client.

Imp. Act, 52-53 V. c. 49, sched. 1.

Schedule B.

(*Section 25.*)

For every meeting where the cause is not proceeded with, but an enlargement or postponement is made at the request of any party, not less than	$2 00
Nor more than	4 00
For every day's sitting, to consist of not less than six hours, not less than	5 00
Nor more than	10 00
For every sitting not extending to six hours (fractional parts of hours being excluded) where the arbitration is actually proceeded with, for each hour occupied in such proceedings, at the rate of not less than	1 00
Nor more than	1 50

R. S. O. 1887, c. 53, Sched. A.

Schedule C.

(*Section 26.*)

For every meeting where the cause is not proceeded with, but an enlargement or postponement is made at the request of any party, not less than	$4 00
Nor more than	8 00
For every day's sitting, to consist of not less than six hours, not less than	10 00
Nor more than	20 00
For every sitting not extending to six hours (fractional parts of hours being excluded) where the arbitration is actually proceeded with, for each hour occupied in such proceedings, at the rate of not less than	2 00
Nor more than	3 00

R. S. O. 1887, c. 53, Sched. B.

Schedule D.

Enactments repealed.

Session and Chapter.	Title.	Extent of repeal.
Imperial Act, 9 Wm 3. ch. 15.	An Act for determining differences by arbitration.	The whole Act.
52 Vict. ch. 13	An Act to amend R. S. O. chapter 53.	The whole Act.
58 Vict. ch. 12	The Judicature Act 1895.	Sections 105 (1) and the words "referees or" in 105(3), 106, 107 and 108.
57 Vict. ch. 24	The Boards of Trade General Arbitration Act.	Sections 11 and 12.
59 Vict. ch. 18	An Act to amend the Judicature Act, 1895.	Schedule (No. 16).
R. S. O. 1887 ch. 53	An Act respecting arbitrations and references.	The whole Act.

No. 180.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act for amending and consolidating the Enactment respecting References and Arbitration.

First Reading, 7th April, 1897.

The ATTORNEY-GENERAL.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 181.] BILL. [1897.

The Municipal Amendment Act, 1897.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

55 V. c. 42, s. 15, amended.

1. Section 15 of *The Consolidated Municipal Act, 1892*, is hereby amended by adding thereto the following subsections :

By-laws of county councils for separating farm lands from towns and villages.

(1*a*) The county council of any county upon the application of the owner of farm lands lying within the limits of any town *other than a separated town* or incorporated village situate in the county may by by law withdraw such lands, or any portion thereof, from the said town or village, and annex the same to some adjoining municipality, upon such terms as may have been agreed upon between the council of such adjoining municipality and that of the said town, or village, and the owner of the said lands.

(1*b*) In case there is a dispute either between the two municipalities or between the owner and one or both of the said municipalities as to the terms upon which such lands may be withdrawn from the one municipality and added to the other municipality, the judge of the county court of the county shall hear and determine the same and his award shall be final. But if any of the parties interested object to such judge and serve a written notice of such objection upon the other parties interested, then such dispute shall be determined by an arbitrator to be appointed by a board consisting of the said judge, the warden of the county and the mayor of the town or reeve of the village, and the decision of such arbitrator shall be final. If the said board is not unanimous the appointment shall be good and sufficient if made in writing and signed by any two members of the board.

(1*c*) Lands transferred from one municipality to another by any of the provisions of this section shall continue to be liable for their share of the debenture debt of the municipality

from which they are withdrawn existing at the time of the transfer and shall not be liable for any portion of the debenture debt of the municipality to which they are added existing at the time of such transfer, unless they were liable for such debenture debt or some part thereof, and then only for such debt or part thereof.

55 V. c. 42, s. 77, subsection 1 amended.

2. Subsection 1 of section 77 of the said Act is amended by inserting after the word "magistrate" in the tenth line thereof the words "no ratepayer in default for taxes, water and light rates or any debt due the municipality for a period of six months from the first day that a right of action accrued against such ratepayer by reason of such default."

55 V. c. 42, s. 277, amended.

3. Section 277 of the said Act is hereby amended by adding thereto the words "provided, however, that the time within which a member of a county council shall be required to make such declaration shall be thirty days."

55 V. c. 42, s. 113, subs. 1, amended.

Fixing day by by-law for nomination of candidates.

4. Subsection 1 of section 113 of the said Act, 1892, is amended by striking out the words "last Monday but one in December" in the fourth and fifth lines thereof and substituting therefor the words "third Monday preceding the day for polling."

55 V. c. 42, s. 340, ss. 2; s. 342, ss. 1, and s. 504, s.s. 13 amended.

Electric light by-laws.

5.—(1) Subsection 2 of section 340, subsection 1 of section 342 subsection 13 of section 504 and section 505 of the said Act, are amended by adding the words "electric light" immediately after the word "gas" wherever the said word "gas" appears in the said several sections and subsections.

By-laws heretofore passed for creating debts for electric light works.

(2) No by-law of any municipality creating or intended to create a debt for the erection or purchase of, or for otherwise acquiring an electric light plant, heretofore passed and otherwise legal, shall be quashed or shall be deemed to be invalid or illegal by reason only that the period fixed in and by the said by-law for the repayment of the debt thereby created exceeds twenty years; provided always that such period does not exceed the period of thirty years.

By-law may include gas, electric light and water-works.

(3) It shall not be necessary to pass separate by-laws creating debts for the acquirement of gas, electric light or water works in case the municipality desires at the same time to acquire more than one of the said conveniences, but all or any two may be united in one by-law and one debt, or separate by-laws creating separate debts, in respect of this and subject matters, may at the option of the municipal council be submitted and passed, subject to the provisions of the said Act.

(4) The provisions of this section shall apply only to towns having a population of 5,000 or less as ascertained by the latest census of Canada.

6. Subsections 4 and 5 of section 352 of the said Act are repealed. 55 V. c. 42, s. 352, subss. 4 and 5 repealed.

7. The said Act is amended by inserting therein the following section as section 352*a*: 55 V. c. 42, amended.

352*a*.—(1) Every by-law providing for the issue of debentures passed under the provisions of this Act relating to local improvements, where the same has been so registered, and the debentures issued thereunder, and the assessment made upon the real property mentioned therein, notwithstanding any want of substance or form either in the by-law itself, or in the time and manner of passing the same, shall be absolutely valid and binding upon the municipality and upon such real property according to the terms thereof, and shall not be quashed or set aside on any ground whatever, unless an application or action to quash or set aside the same be made to some court of competent jurisdiction, within one month from the registry thereof. Irregularities in form not to invalidate debentures in certain cases.

(2) Where any action or proceeding shall be brought or taken or where an application shall be made to quash or set aside such by-law so registered, a certificate thereof under the hand and seal of the clerk of the court shall be registered in such registry office within five weeks from the date of registering the by-law, and in default thereof the court or judge may refuse to hear, or may dismiss any such action, proceeding, motion or application to quash or set aside the by-law. Registration of certificate of application to quash.

(3) The provisions of subsection 1 of this section shall *also* apply to all by-laws passed under section 623*c* of this Act as enacted by section 16 of *The Municipal Amendment Act 1894*, and to the debentures issued thereunder. Application to by-laws passed under section 623*c* 57 V. c. 50.

8. Section 354 of the said Act is hereby amended by striking out the words "sections 352" in the first line thereof and substituting therefore the words "sections 352 and 352*a*," and by inserting in the form of notice after the words "three months" the words "or one month (as the case may require)." 55 V. c. 42, s. 354, amended. Notice of registration of by-laws.

9.—(1) Section 351 of the said Act is hereby amended by striking out the word "two" in the ninth line thereof and substituting therefor the word "four." 55 V. c. 42, s. 351 amended.

(2) Subsection 1 of section 352 of the said Act is hereby amended by inserting in the first line thereof immediately after the word "registered" the words "or registered before the sale of such debenture or debentures." 55 V. c. 42, s. 352 amended.

10. Section 415 of the said Act is hereby amended by adding after the word "Council" in the first line thereof the words "all members of a County Council." 55 V. c. 42, s. 415 amended.

55 V. c. 42, s. 469, sub-s. 1 amended.

11. Subsection 1 of section 469 of the said Act is amended by inserting therein after the word "maintaining" in the 5th line thereof the words "enlarging or improving."

55 V. c. 42 amended.

12. The said Act is further amended by adding thereto the following sections :—

When county has paid amount of town's interest in county buildings.

469*a*. When a city or town has heretofore been paid by the county for its interest in such court house and gaol or in a house of correction or registry office after the separation and when such city has not erected separate buildings, then the award may determine what sum (if any) shall be annually paid to the county as the share or contribution of such city or town for or in respect of any enlargement or improvement made by the county after the separation. But no award shall hereafter provide for the purchase by the county from a city or town not separated from the county for judicial purposes of the interest of such city or town in such buildings or in the enlargement or improvement thereof.

469*b*. Where under an agreement or award heretofore made upon the separation of a town from a county for municipal purposes, or under any award made or agreement entered into thereafter between the city or town and the county, the corporation of such county has paid to the corporation of such separated town or city compensation for the amount contributed by such separated town or city prior to its separation from the county for municipal purposes, towards the erection, enlargement or improvement of the court house, gaol or house of correction, or registry office, or any of them, and in case such town or city has not erected separate buildings the corporation of such city or town shall pay to the county annually an amount equal to five per centum of the amount so paid to the city or town, and the amount so to be paid by the city or town shall be in addition to the amount to be contributed by the city or town under section 469 of this Act.

469*c*. Nothing in sections 469*a* or 469*b* contained shall affect any agreement or award at present in force, but this section shall apply in case of any agreement or award hereafter made between any such county and city or separated town, but shall not affect any case or proceedings at law now pending.

12. Section 479 of the said Act is hereby amended by adding thereto the following as subsection 16*b*. :—

By-laws for licensing and inspecting hoists, elevators, etc.

16*b*. The council of any municipality shall have power to pass by-laws providing for licensing and inspecting elevators and hoists used by the public or by employees for passengers or freight, and to impose and enforce penalties for enfringement of such by-laws, and to prohibit and prevent the use of elevators or hoists contrary to the provisions of such by-law. But

the provisions in this subsection contained shall be subject to *The Ontario Factories' Act* and amending Acts and any other Act, making provisions applicable to elevators and hoists.

13. Section 479 of the said Act is amended by adding thereto the following subsection:— 55 V. c. 42, s. 479, amended.

"20*b*. For authorizing the park commissioner, or other officer appointed by the council so to do, to plant trees upon the streets of any municipality having a population of 100,000 or more, and to trim all trees in such cities, the branches of which extend over the streets thereof, and such municipality shall not be liable for injury to trees occasioned thereby when reasonable care, skill, and judgment have been exercised in such trimming." By-laws for authorizing Park Commissioners to plant and trim trees on streets.

14. Section 493 of the said Act is amended by adding thereto the following sub-section:— 55 V. c. 42, s. 493, amended.

"2*a*. To compel the owners and other persons interested in all buildings more than two storeys in height (except private dwellings and buildings in respect of which provision is made for requiring the construction of fire escapes thereon or in connection therewith in *The Factory Act*, *The Shops' Act* or *The Liquor License Act*, or any other Act of the Legislature now in force or hereafter to be passed) to provide proper fire escapes thereon, and to prevent the occupation of such buildings unless such fire escapes are provided." By-laws for compelling use of fire escapes.

15. The said Act is amended by adding thereto the following sections: 55 V. c. 42, amended.

496*a*. It shall be lawful for the corporation of any city, town or village to acquire by lease or purchase any water privilege or water privileges situate within its limits, together with sufficient lands adjacent thereto, for the proper user of such water privilege or water privileges, and from time to time to expend thereon such sums of money as may be necessary for the development, repairs and user of such water privilege or water privileges; and for the purpose of such acquisition, development, repairs and user to borrow upon the debentures of the corporation such sums as shall be required for the same for such periods and at such rates of interest as the corporation shall by by-law determine. City, town or village may acquire water power and lands adjacent.

496*b*. Before acquiring any such water privilege or water privileges and lands, a by-law shall be submitted to the ratepayers of the municipality setting forth the agreement for such acquisition which shall have been previously entered into, subject to ratification by the ratepayers, the amount required to be borrowed for the purpose of such acquisition and containing generally all such matters as are required by the provisions of this Act in relation to money by-laws. By-law to be submitted to ratepayers.

Proceedings for taking vote.

496*c*. The vote of the ratepayers upon such by-law shall be taken in manner provided by sections 293 to 319, both inclusive, of this Act, and the persons entitled to vote thereon shall be the persons named in the said sections, and in case a majority of such persons shall vote in favour of said by-law the council shall pass the same.

Power to use water privileges and lease same.

496*d*. Upon the acquisition of such water privilege or water privileges it shall be lawful for the corporation to use the same for its own purposes, and to grant leases of the whole or any parts thereof upon such terms and conditions as may be agreed upon and to otherwise deal with the same as fully and effectually to all intents and purposes as might be done by an individual, but no sale of any part of the said water privileges or lands so acquired shall be made until a by-law authorizing the same has been submitted to the ratepayers and passed by a vote of the same class of persons as voted upon the by-law authorizing the acquisition of said water privileges and lands, and no lease shall be granted for a longer period than thirty years with right of renewal and renewals.

55 V. c. 42, s. 498, subs. 5 amended.

16.—(1) Subsection 5 of section 498 of the said Act is amended by striking out all the words after "vehicle" in the third and fourth lines thereof, and inserting in their stead the words "than is provided for in subsection 7 of section 497 of this Act."

Where municipality has sold or leased market fees.

(2) In any municipality which has, on or before the 30th day of March, 1897, under section 502 of the said Act leased, assigned or sold its market fees, the preceding amendment shall come into force and operation only on the termination of the period for which such fees have been leased, assigned or sold. In other municipalities the said amendments shall come into force and operation on the 1st day of January, 1898.

55 V. c. 42, amended.

17. The said Act is further amended by adding the following sections thereto:

Cities and towns empowered to carry on telephone service.

504 (*a*). The council of every city and town shall have power to construct, build, own, purchase, lease, rent, improve, extend, maintain, manage, conduct and carry on a telephone business and service, and all works, land, buildings, plant, machinery, conduits, materials, equipment, apparatus and appurtenances necessary therefor or thereto belonging or appertaining or that may be properly used therewith in the municipality or within two miles thereof, and for supplying the corporation or persons in the municipality or in the neighborhood thereof with a telephone service and connection therewith, and may make a rate, charge or rent for such service and connections and for the use of transmitters and other apparatus therewith, and may require such payment to be made in

advance, and may discontinue such service or the subscriber's connection therewith in default of such payment and may forthwith thereafter remove all transmitters, wires and other apparatus from the premises of such subscriber, and such rate, charge or rent may be collected by action as an ordinary debt, or against the person owing the said rate, rent or charge may be collected against the person liable to pay the same in the same manner as municipal taxes are, and may pass by-laws for levying an annual special rate to defray the yearly interest of the expenditure therefor and to form an equal yearly sinking fund for the payment of the principal at any time within a time not exceeding thirty years nor less than five years.

Carrying works over streets and private property.

504 (*b*). Such corporations or their servants under their authority may for the purpose of laying down, taking up, erecting, constructing, examining or keeping in repair the plant, machinery, conduits, materials, poles, wires, rods, equipment, apparatus or other appliances for conducting, distributing or otherwise carrying on the said telephone business or service or connections therewith, break up dig and trench in, upon, through, over, under and along the highways, streets, lanes, roads, squares and other public ways, passages and places in the municipality or in, upon, through, over, under and along any private property, or may by means of conduits or upon poles or otherwise conduct or carry such plant, materials, equipment, apparatus, wires or rods through, over, under, along or across such streets, lanes, roads, squares and other public ways, passages and places in the municipality or upon private property, and may also break up, dig and trench all passages common to adjoining owners or tenants for the purpose of laying down conduits or erecting poles therein. But such corporations shall make satisfaction or compensation to the owners or proprietors of buildings or other property for all damages by them sustained in or by the exercise of any of the powers by this section granted.

By-laws, etc., for management.

504 (*c*). Such corporation may from time to time make and enforce all necessary by laws, rules and regulations for the general maintenance and management of all works, plant, machinery, conduits, materials, equipment, apparatus and appliances constructed, maintained and used for or with such telephone business and service and of the connections therewith, and designating or limiting the amount or extent of transmitters, apparatus or other appliances to be furnished to persons desiring connection with the said telephone service, and for regulating and defining the duties of the officers and others employed in connection with such business or service, and for the imposition and collection of the rates or charges for supplying such service or for connection therewith and for the rent of fittings, machines, apparatus, transmitters or other things leased or supplied to subscribers, and for fixing such rates, charges and rents and the times and places when and

where the same shall be payable, and the corporation may allow for prepayment or punctual payment such discount as they deem expedient.

Protection of corporation and officers.

504 (*d*). Such corporations and their officers and agents shall in such telephone business and service have the like protection in the exercise of their respective offices and in the execution of their duties as municipalities or their officers now have under the laws of this Province, and if any action or suit shall be brought or claim made by way of arbitration or otherwise against such corporations or any person or persons for anything done in pursuance of such telephone business or service or the powers given for the purposes thereof, whether tort or contract, the same shall be brought within six calendar months next after the committing of the act or the discovery of the injury or damage by the injured party or the owner of the property damaged, or in case there shall be a continuation of damage, then within one year after the first committing of the said act or the discovery as aforesaid.

55 V. c. 42, amended.

18. The said Act is amended by adding thereto the following section:

Cities of 100,000, authorized to make appropriation for giving information as to cities.

520c. The council of every city and of every town having a population of 5,000 and over may include in the annual estimates a sum not exceeding $500, to be expended in diffusing information respecting the advantages of such city or town as a manufacturing, business, educational or residential centre, or as a desirable place in which to spend the summer months The councils of other municipalities may provide for the expenditure of a sum not exceeding $100, for the like purpose.

55 V. c. 42, s. 531, subs. 4.

19. Subsection 4 of section 531 of the said Act is amended by inserting after the word "corporation" where it first occurs in the sixth line thereof the words, "or to recover damages sustained by reason of any negligent or wrongful act or omission of any other corporation or of any person other than a servant or agent of the municipal corporation."

55 V. c 42, amended.

20. Section 550 of the said Act is amended by adding thereto the following as subsections:

By-laws setting aside bicycle paths.

1*a*. For setting apart so much of any highway or road or street as the council may deem necessary for the purposes of a bicycle path.

1*b*. If a person rides or drives a horse or other beast of burden, or a waggon, carriage or cart along a bicycle path hereafter or heretofore set apart by by-law he shall incur the penalties imposed by *The Act to regulate Travelling on Public Highways and Bridges*.

Rev. Stat. c. 195.

55 V. c 42 s. 546; s. 550, subs. 1, amended.

21. Section 546 and subsection 1 of section 550 of the said Act are each amended by inserting after the word "diverting" in the second line thereof the words "leasing, selling."

22. Municipal corporations are hereby authorized to permit areas or openings to be constructed in or under the sidewalks and streets of the respective municipalities, and to authorize the continuance of any heretofore constructed, and to make an annual charge for such privilege and for the use of the areas or openings heretofore constructed of such sums as the council may think reasonable, and may enforce the payment of said sums in like manner as municipal taxes. And all bonds and agreements now entered into and existing between any owner or owners of property in any municipal corporation, and such corporation for indemnity in respect of such areas are hereby cancelled and made void as to such indemnity except as to any rights or causes of action which may have accrued thereunder to such corporation owing to any accident or injury arising from negligence in connection with such areas or the improper use thereof prior to the passing of this Act. But neither this section nor the permission or privileges in respect of such areas or openings which may be granted by the said corporation hereunder shall interfere with any liability created or existing under the provisions of *The Municipal Act*, nor with the remedies over provided by subsections 4, 5 and 6 of section 531 of the said Act, nor shall any vested right in such area or openings be created by this section or by such permission or privilege.

Construction of areas in or under sidewalks.

23. Subsection 1 of section 31 of *The Municipal Amendment Act, 1896*, is hereby repealed and the following substituted therefor:

59 V. c. 51.

In cities of over 100,000 inhabitants, the police commissioners of such cities shall have the powers which are now possessed by the municipal council so far as they relate to licensing, regulating and governing persons keeping intelligence offices, transient traders, hawkers, pedlars or petty chopmen, auctioneers, owners of exhibitions of wax works, menageries, circus riding and other such like shows usually exhibited by showmen, roller skating rinks and other places of like amusement, exhibitions held or kept for hire or profit, bowling alleys and other places of amusement, persons who for hire or gain keep billiard or bagatelle tables, victualling houses or other places for lodging, reception, refreshment, or entertainment of the public, owners and keepers of stores and shops where tobacco, cigars or cigarettes are sold, milk vendors, bill posters, persons selling fresh meat in quantities less than the quarter carcass and persons carrying on the trade of plumbers, and so far as the said powers relate to licensing and regulating ferries, and to restraining and regulating the running at large of dogs and imposing a tax on the owners, possessors or harborers of dogs, and the killing of dogs running at large contrary to the by-law, and the selling of dogs so impounded or any of them at such time or times and in such manner as may be directed by

Licensing powers transferred from council to police commissioners.

the by-law in that behalf; and also all other powers possessed by the councils of such cities in reference to licensing, regulating or governing trades, businesses or occupations, and such police commissioners shall have full power to license, regulate and govern each person engaged in any of the businesses or employments hereinbefore set out, whether the full power to license, regulate and govern has been heretofore possessed by such municipalities or not, but the councils shall continue to have the power to fix the fees to be paid for such licenses, and any moneys derived from such licenses are to be handed over by the police commissioners to the treasurers of such cities to form part of the revenue thereof.

Voting sum for celebrating the 60th anniversary of the accession.

24. The council of any city may include in the estimates thereof for the year 1897, a sum to be expended in celebrating the 60th anniversary of the coronation of Her Most Gracious Majesty the Queen, which sum shall in the case of cities having a population of 100,000 or over, be not more than $5,000, in case of cities having a population of 30,000 or over, not more than $3,000, and in case of other cities not more than $1,500.

Municipalities in Haliburton authorized to aid in establishing grist mills.

25.—(1) Subject as hereinafter provided it shall be lawful for the council or councils of any one or more townships or village municipalities in the Provisional County of Haliburton to pass a by-law or by-laws for granting aid to secure the establishment of a grist mill in such township or village, by taking stock in any such enterprise to an amount not exceeding, under the powers hereby conferred, one-half of the actual cost of establishing the mill nor, in any event, to a greater amount than $3,000, to issue debentures for the purpose of paying for such stock and do all other acts in connection therewith as if the power to grant bonuses were still vested in municipalities.

By-law to be passed by council and assented to by electors.

(2) No such aid by way of subscribed stock shall be given until after the passing of a by-law by the municipal council for the purpose and the adoption of such by-law by the qualified electors as provided by *The Consolidated Municipal Act, 1892*, in the case of by-laws for the creation of debts, and except as herein otherwise provided, all the provisions of the said Act relating to the creation of debts and the assent of the qualified ratepayers shall apply.

(3) In case two or more municipalities join in granting aid as herein provided the by-law shall in addition to the other provisions and requirements of this Act, receive a majority of the votes cast in each such municipality.

By-laws to require assent of two-thirds of qualified ratepayers.

(4) Notwithstanding anything in the preceding section contained, the vote of two-thirds in the affirmative of the ratepayers who are entitled to vote upon any by-law granting aid

to, or for promoting the establishment of a grist mill or for lending money thereto shall be necessary in order to the carrying of the by-law.

Bonus not to be granted where mill already established.

(5) No such aid shall be granted for the establishment of a grist mill in a location less than twenty miles from any grist mill heretofore established in the said county and in operation at the time of the passing of this Act.

Clerk to certify as to majority.

(6) In addition to the certificate required by section 318 of *The Consolidated Municipal Act, 1892*, the clerk, in case of a majority of votes being in favor of the by-law, shall further certify whether or not, as shown by the voters' list such majority appears to be two-thirds of all the voters who are entitled to vote on the by-law and a clear majority of the votes cast in each municipality.

Deciding disputes as to result of votes.

(7) In case of a dispute as to the result of the vote on any by-law submitted under this Act, the Judge of the County Court of the County of Victoria shall have the same powers for determining the question as he has in any case of a scrutiny of votes.

Proceedings for scrutiny.

(8) The petition to the judge may be by an elector or by the council; and the proceedings for obtaining the judge's decision shall be the same as nearly as may be as in the case of a scrutiny.

Application of certain provisions of 55 V. c. 42.

(9) Sections 209 to 222, 293 to 319, and sections 321 to 328, inclusive, of *The Consolidated Municipal Act, 1892*, and their subsections, shall be taken and considered as part of this Act.

Certain general provisions to apply.

(10) Except as herein otherwise provided all the *provisions* of *The Consolidated Municipal Act, 1892*, relating to the creation of debts, the issue of debentures and the time and manner of repayment of the same, shall apply and be read as part of this Act.

(11) The Council of each municipality taking stock in the company as herein provided shall annually at its first meeting for the year elect from among its members a representative of such council to the board of directors of the company and such representative shall be entitled to sit and vote at all meetings of the board and to vote at all meetings of shareholders in respect of the stock held by the municipality which he represents.

No. 181.

3rd Session, 8th Legislature, 60 Vict. 1897.

BILL.

The Municipal Amendment Act, 1897.

First Reading, 7th April, 1897.
Second Reading, 7th April, 1897.

The ATTORNEY-GENERAL.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 182.] **BILL** [1897.

The Assessment Amendment Act, 1897.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 49 of *The Consolidated Assessment Act, 1892*, is amended by striking out the form of affidavit or solemn declaration therein contained and inserting the following in lieu thereof: 55 V. c. 48 s. 49, amended.

I, (*name and residence*), make oath and say (*or* solemnly declare and affirm)

1. That I have, according to the best of my information and belief, set down in the above assessment roll all the real property liable to taxation situate in the municipality (or ward) of (as the case may be); and I have justly and truly assessed each of the parcels of real property so set down at its actual cash value as it would be appraised in payment of a just debt from a solvent debtor and as prescribed by law. Oath of assessor on completion of roll.

[*And in the case of properties to be assessed under section 28 of this Act, unless the council by by-law otherwise provides, add.*

Except ground *bona fide* enclosed and used as a paddock, park, lawn, garden or pleasure ground, which I have assessed at a valuation which at six per centum would yield a sum equal to its annual rental for the purposes for which it is used.]

[*And in the case of vacant ground in cities, towns and villages, assessed under section 27 of this Act, add.*

Except vacant ground and ground used as a farm, garden or nursery, and not in immediate demand for building purposes, which I have assessed according to the value prescribed by law.]

2. That the said assessment roll contains a true statement of the aggregate amount of the personal property, or the taxable income, of every party named on the said roll and that I have estimated and set down the same according to the best of my information and belief;

3. That I have entered thereon the names of all the resident householders, tenants and freeholders, and of all other persons who have required their names to be entered thereon, with the true amount of

property occupied or owned, or of income received by each, and that I have not entered the name of any person whom I do not truly believe to be a householder, tenant or freeholder, or the *bona fide* occupier or owner of the property, or in receipt of the income set down opposite his name, for his own use and benefit or otherwise to be entitled by law to be so entered ;

4. That according to the best of my knowledge and belief, I have entered thereon the name of every person entitled to be entered either under this Act or *The Manhood Suffrage Act*, or any Act amending either of the said Acts, and that I have not intentionally omitted from said roll the name of any person whom I knew or had good reason to believe, was or is entitled to be entered thereon under any or either of the said Acts ; and I further say, that the date of delivery or transmitting the notice required by section 47 of this Act is in every case truly and correctly stated in said roll :

5. And I further say, that I have not entered the name of any person at too low a rate in order to deprive such person of a vote, or at too high a rate in order to give such person a vote ; and that the amount for which each such person is assessed upon the said roll truly and correctly appears in the said notice delivered and transmitted to him as aforesaid ;

6. I further say, that I have not entered any name in the above roll, or improperly placed any letter or letters in column 4, opposite any name, with intent to give to any person not entitled to vote, a right of voting ; and that I have not intentionally omitted from the said roll the name of any person whom I believe entitled to be placed thereon, nor have I, in order to deprive any person of a right of voting, omitted from column 4 opposite the name of such person, any letter or letters which I ought to have placed there.

Sworn (*or* solemnly declared and affirmed) before me at , of in the county of , this day of , A.D. 18 .

55 V. c. 48, s. 52, amended.

2. Section 52 of the said Act is hereby amended by adding thereto the following subsection :

Council passing by-law for taking assessment between 1st July and 1st October, may act for that year on assessment already made.

(4) In case the council deem it advisable to adopt the provisions of this section in any year for which there has been an assessment made under the previous sections of this Act, the council instead of making a second assessment in the same year may pass a by-law adopting the assessment roll previously made and revised in such year, and such assessment roll shall be subject to revision in the manner provided by subsection 1 of this section, and shall have the same effect as an assessment made under said subsection 1.

3. The said Act is further amended by adding thereto the following section :

Sale of interest of lessee or tenant of municipa property

171*b*. If the Treasurer sells any interest in land of which the fee is in the city, town or other municipality in respect of which the taxes accrue, he shall only sell the interest therein of the lessee or tenant, and it shall be so distinctly expressed in the conveyance to be made by the Treasurer and Warden, and such conveyance shall give the purchaser the same rights only in respect of the land as the original lessee or tenant enjoyed.

4. The said Act is further amended by inserting therein the following section as section 209*a*. 55 V. c. 48, amended.

Sales for taxes on lands which have been annexed to city or separated town.

209*a*. Where a municipality or any part of a municipality has been or may hereafter be separated from a county and included in a city or town separated from the county for municipal purposes, after a return has been made to the treasurer of the county of lands in arrear for taxes, but the lands have not been advertised for sale by the treasurer of the county, such treasurer shall return to the treasurer of the city or town a list of all the lands within such territory returned as in arrear for taxes and not advertised; and the treasurer and mayor of the city or town shall have power to take all the proceedings which treasurers and wardens under this Act can take for the sale and conveyance of lands in arrear for taxes, but in case the lands in such territory have been advertised before the separation, the sale of such lands shall be completed in the same manner as if the separation had not taken place, and conveyance of lands previously sold shall be made in like manner.

No. 182.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

The Assessment Amendment Act, 1897.

First Reading, 7th April, 1897.
Second Reading, 7th April, 1897.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 183.] BILL. [1897.

An Act respecting the Incorporation and Regulation of Mining Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Ontario Mining Companies Incorporation Act.*

Incorporation by Letters Patent.

2. The Lieutenant-Governor-in-Council may, by Letters Patent under the Great Seal, grant a charter under *The Ontario Companies Act*, to any number of persons, not less than five, who shall petition therefor, constituting such persons, and others who may become shareholders in the company thereby created, a body corporate and politic, for the purpose of carrying on within the Province of Ontario, or any of the counties and districts therein, the business and operations of a mining, milling, reduction and development company, or such business and operations as shall be set forth in the Letters Patent.

3. Every such company shall if the Letters Patent permit, have power for its mining, milling, reduction and development operations only:

Powers of company.

(*a*) To prospect for, open, explore, develop, work, improve, maintain, and manage gold, silver, copper, coal, iron and other mines, mineral and other deposits and properties and to dig for, raise, crush, wash, smelt, assay, analyze, reduce and amalgamate and otherwise treat ores, metals and minerals, whether belonging to the company or not, and to render the same merchantable, and to sell and otherwise dispose of the same, or any part thereof, or any interest therein;

(*b*) To acquire by purchase, lease, concession, license, exchange or other legal title, mines, mining-lands, easements, mineral-properties, or any interest therein, minerals and ores and mining-claims, options, powers, privileges, water and other rights, patent-rights, Letters Patent of invention, processes and mechanical or other contrivances, and either absolutely or conditionally, and either solely or jointly with others, and as principals, agents, contractors or otherwise, and to lease, mortgage, place under license, hypothecate, sell, dispose of and otherwise deal with the same or any part thereof, or any interest therein;

(*c*) To construct, maintain, alter, make, work and operate on the property of the company, or on property controlled by the company, tramways, telegraph or telephone lines, reservoirs, dams, flumes, race and other ways, water-powers, aqueducts, wells, roads, piers, wharves, buildings, shops, stamping-mills and other works and machinery, plant, and electrical and other appliances of every description, and to buy, sell, manufacture and deal in all kinds of goods, stores, implements, provisions, chattels and effects required by the company or its workmen or servants;

(*d*) To build, acquire, own, charter, navigate and use steam and other vessels;

(*e*) To take, acquire and hold as the consideration for ores, metals or minerals sold or otherwise disposed of, or for goods supplied, or for work done by contract or otherwise, shares, debentures, bonds or other securities of or in any other company having objects similar to those of a company incorporated under this Act, and to sell or otherwise dispose of the same;

(*f*) To enter into any arrangement for sharing profits, union of interests, or co-operation with any other person or company, carrying on or about to carry on any business or transaction which may be of benefit to a company incorporated under this Act;

(*g*) To purchase or otherwise acquire and undertake all or any part of the assets, business, property, privileges, contracts, rights, obligations and liabilities of any person or company carrying on any part of the business which a company incorporated under this Act is authorized to carry on, or possessed of property suitable for the purposes thereof; and,

(*h*) To subscribe for and take and hold shares or stock in any company incorporated as provided by section 16 of this Act for the purpose of acquiring, holding, constructing, maintaining, and keeping in repair, roads, bridges, improvements in waterways, or other means of communication, and drainage works, and other improvements, upon, through, over or adjacent to, or leading to or from the lands of a company incor-

porated under this section; Provided, that the consent of the shareholders shall be first obtained by resolution passed at a special general meeting called for that purpose.

(*i*) To do all such acts, matters and things as shall be incidental or necessary to the due attainment of the above objects, or any of them.

SPECIAL PROVISIONS RESPECTING MINING COMPANIES.

No personal liability.

4.—(1) Notwithstanding anything to the contrary in *The Ontario Companies Act* contained, the Letters Patent incorporating a mining company under this Act may, if the petition of the applicants so requires, contain a provision that no liability in excess of the amount actually paid, or agreed to be paid, to the company for shares therein shall attach to any holder of such shares, provided, however, that no such shares shall be issued at a discount, or any rate other than had previously been sanctioned by the company, unless expressly authorized by a by-law of the company fixing and declaring the rate of discount and any other, if any, terms and conditions of issue; and further provided that a copy of such by-law shall, within twenty-four hours after the by-law was sanctioned, be by registered letter transmitted to the Provincial Secretary, and that such copy shall be verified as a true copy by the joint affidavit of the president and secretary, and if there are no such officers, or they, or either of them, are or is, at the proper time out of this Province, or otherwise unable to make the same, by the affidavit of the president or secretary and one of the directors, or two of the directors, as the case may require: and if the president or secretary does not make or join in the affidavit, the reason thereof shall be stated in the substituted affidavit; and any company which refuses or fails to comply with the provision of this section, relative to the transmission of a copy of the by-law to the Provincial Secretary, shall incur a penalty of $20 for every day during which the default continues. 57 V. c. 16, s. 18, *amended*.

By-law must be verified.

Certificate of stock, what to contain.

(2) Where Letters Patent incorporating any such company have been granted with the provisions mentioned in this section, every stock certificate issued by the company shall bear upon the face thereof, distinctly written or printed in red ink, after the name of the company, the words "Incorporated under *The Ontario Mining Companies Incorporation Act*," and where such stock certificates are issued in respect of shares subject to call, the words "SUBJECT TO CALL"; or if in respect of shares not subject to call, the words "NOT SUBJECT TO CALL," as the fact shall be. 57 V. c. 16, s. 19, *amended*.

"No personal liability" to appear on documents issued by company.

(3) Every mining company, the charter of which contains the said provision, shall have written or printed on its charter, prospectus, stock-certificates, bonds, contracts, agreements,

notices, advertisements and other official publications, and in all bills of exchange, promissory notes, endorsements, cheques, and orders for money or goods purporting to be signed by or on behalf of the company, and in all bills of parcels, invoices, and receipts of the company, immediately after or under the name of such company, and shall have engraved upon its seal the words "NO PERSONAL LIABILITY"; and every such company which refuses, or knowingly neglects to comply with this provision shall incur a penalty of $20 for every day during which such name is not so kept written or printed; and every director and manager of the company who knowingly and wilfully authorizes or permits such default shall be liable to the like penalty. 57 V. c. 16, s. 20.

Sale of stock on non-payment of calls.

(4) In the event of any call or calls on shares in a company so incorporated remaining unpaid by the holder thereof for a period of sixty days after notice and demand of payment, such shares may be declared to be in default, and the secretary of the company may advertise such shares for sale at public auction to the highest bidder for cash by giving notice of such sale in some newspaper published at the place where the principal office of the company is situated, or in case no newspaper is published thereat, then in a newspaper published in the nearest place to said office, for a period of one month; and said notice shall contain the numbers of the stock-certificate or stock-certificates in respect of such shares and the number of shares, the amount of the assessment due and unpaid and the time and place of sale; and in addition to the publication of the notice aforesaid, notice shall be personally served upon such shareholder by registered letter mailed to his last known address; and if the holder of such shares shall fail to pay the amount due upon such shares with interest upon the same and cost of advertising before the time fixed for such sale, the secretary shall proceed to sell the same, or such portion thereof as shall suffice to pay such assessment, together with interest and cost of advertising; provided that if the price of the shares so sold exceed the amount due with interest and costs thereon, the excess thereof shall be paid to the defaulting shareholder. 57 V. c. 16, s. 21, *amended*.

Extent of liability of shareholders.

(5) No shareholder in any company so incorporated shall be personally liable for non-payment of any calls made upon his shares, nor shall such shareholder be personally liable for any debt contracted by the company or for any sum payable by the company. 57 V. c. 16, s. 22.

Sale of shares at a premium, or at a discount.

5. Notwithstanding anything to the contrary in *The Ontario Companies Act* contained, any mining company (whose charter does not contain a provision that no liability beyond the amount actually paid, or agreed to be paid, upon shares in such company by the holder thereof shall attach to such holder), may, for the lawful purposes of the company and no

other, from time to time, by by-law, to be expressly sanctioned by the company and to be made for the purpose, dispose of shares in the company at such premium, or at such discount and on such terms and conditions as to the company shall seem to be advantageous and proper: provided, however, that a copy of such by-law shall, within twenty-four hours after the by-law was sanctioned, be by registered letter transmitted to the Provincial Secretary, and that such copy shall be verified as a true copy by the joint affidavit of the president and secretary, and if there are no such officers, or they, or either of them, are or is, at the proper time out of this province, or otherwise unable to make the same, by the affidavit of the president or secretary and one of the directors, or two of the directors, as the case may require; and if the president or secretary does not make or join in the affidavit, the reason thereof shall be stated in the substituted affidavit; and any company which refuses or fails to comply with the provision of this section relative to the transmission of a copy of the by-law to the Provincial Secretary, shall incur a penalty of $20 for every day during which default continues. 57 V. c. 16, s. 19, *amended*.

Verification of by-law.

(*a*) Every stock-certificate issued in respect of any share sold or disposed of by the company under the provisions of this section shall bear upon the face thereof, distinctly written or printed in red ink, after the name of the Company, the words "Operating under *The Ontario Mining Companies Incorporation Act*," and where such stock-certificates are in respect of shares sold, or disposed of at a discount, the words "Issued by the Company at a discount of per centum," the rate of discount to be mentioned as a part of such words.

Marking on face of stock-certificate.

6. Notwithstanding anything contained in this Act, the directors of the company shall be jointly and severally liable to the labourers, servants and apprentices thereof, for all debts not exceeding one year's wages due for services performed for the company while they are such directors respectively; but no director shall be liable to an action therefor, unless the company has been sued therefor within one year after the debt became due, nor yet unless such director is sued therefor within one year from the time when he ceased to be such director, nor yet before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against the directors. R. S. O. 1887, c. 157, s. 68.

Liability of directors for wages.

7. In addition to the facts to be stated in the returns required of companies incorporated under *The Ontario Companies Act*, every mining company incorporated under the said Act, or under the provisions of *The Ontario Joint Stock Companies Letters Patent Act* or of any other Act, shall state the number of shares therein sold, or disposed of by the company under the provisions of this Act, or of any other Act, and the

Returns by mining companies.

rate at which such shares were sold or disposed of, and shall forthwith furnish such further and other information as shall at any time be required by the Provincial Secretary, or by the Director of Mines, and any company which refuses or fails to comply with the provisions of this section shall, in addition to any other penalty, incur a penalty of $20 for every day during which default continues.

Selling shares below par.

8. No share in a mining company shall be issued, sold, or be in any other manner disposed of at a rate less than par, unless under the authority of a by-law passed by virtue of this Act; and any director, officer or agent of a company who acts in contravention of this section shall, on conviction thereof, be liable to a fine of $200 and to the costs of conviction, and in default of payment of such fine and costs may be sentenced to imprisonment for a period not exceeding three months.

License to extra-provincial companies.

9. No extra-provincial mining, milling, reduction or development company having its head-office elsewhere than within this Province, shall, either directly or indirectly, sell or otherwise dispose of within this Province any of its shares, stock, stock-certificates or other securities by whatsoever name known, unless and until it shall have received from the Lieutenant-Governor in Council a license authorizing it to sell and dispose of its shares and other securities, and any person who in contravention of this section acts for an unlicensed company shall, on conviction thereof, be liable to a fine of $20 per day for every day while he so acted, and, in case the fine be not paid, shall in the discretion of the court be imprisoned for a period not exceeding three months.

Proof of due incorporation, etc., upon application for license to extra-provincial companies.

10. No license shall be issued to an extra-provincial mining, milling, reduction and development company having its head-office elsewhere than within this Province until the company shall have satisfied the Director of the Bureau of Mines that it has been duly incorporated and that it possesses the real estate, property and assets, and that it is carrying on its operations on a scale and in a manner to command the confidence of the public, and for this purpose the Director shall have power to require of the company such sworn documentary and other evidence as he shall deem to be requisite in the premises, and upon a report that he is satisfied that the company is one which may be licensed under this section, and upon the recommendation of the Provincial Secretary, the Lieutenant Governor in Council may direct the issue of a license upon such terms and conditions as to him shall seem proper, and he may summarily revoke and annul such license for any cause that to him shall appear to be sufficient.

LIABILITY FOR FALSE STATEMENTS.

False returns, etc.

11. If any person in any return, report, certificate, balance-sheet, or other document required by or for the purposes of this Act, wilfully makes a statement false in any material particular, he shall be liable on conviction on indictment to imprisonment for a term not exceeding six months, with or without hard labor, and on summary conviction to imprisonment not exceeding three months, with or without hard labor, and in either case to a fine of $100 in lieu of or in addition to such imprisonment as aforesaid; provided that a person charged with an offence under this section may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon may give evidence in the same manner and with the like effect and consequences as any other witness.

Liability for statements in prospectus, etc.

12. Where a prospectus, advertisement, or any printed or written document answering the purpose of a prospectus, advertisement or notice, published or circulated in Ontario, invites persons to subscribe or apply for shares, debenture stock, or other securities by whatever name known or mentioned, of any mining, milling, reduction or exploration company whatever, every person who is a director of the company at the time of the issue of the prospectus, advertisement or notice, and every person who, having authorized such naming of him, is named in the prospectus, advertisement or notice as a director of the company or as having agreed to become a director of the company, either immediately or after an interval of time, and every promoter of the company, and every person who has authorized the issue of the prospectus, advertisement or notice, shall be liable to pay to all persons so subscribing or applying on the faith of such prospectus or notice, compensation for the loss or damage they may have sustained by reason of any untrue statement in the prospectus or notice, or in any report or memorandum appearing on the face thereof, or by reference incorporated therein or issued therewith, unless it is proved ;

(*a*) With respect to every such untrue statement not purporting to be made on the authority of an expert, or of a public official document or statement, that he had reasonable ground to believe, and up to the time of the allotment or issue of the shares, debenture stock, or other securities, as the case may be, did believe that the statement was true :

(*b*) With respect to every such untrue statement purporting to be a statement by or contained in what purports to be a copy of or extract from a report or valuation of an engineer, valuer, accountant, or other expert, that it fairly represented the statement made by such engineer, valuer, accountant, or other expert, or was a correct and fair copy of or extract from the report or valuation. Provided always that notwithstanding that such untrue statement fairly represented the state-

ment made by such engineer, valuer, accountant, or other expert, or was a correct and fair copy of or extract from the report or valuation, such director, person named, promoter, or other person, who authorized the issue of the prospectus or notice as aforesaid, shall be liable to pay compensation as aforesaid if it be proved that he had no reasonable ground to believe that the person making the statement, report or valuation was competent to make it; and

(*c*) With respect to every such untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, that it was a correct and fair representation of such statement or copy of or extract from such document, or unless it is proved that, having consented to become a director of the company, he withdrew his consent before the issue of the prospectus, advertisement or notice, and that the prospectus, advertisement or notice was issued without his authority or consent; or that the prospectus, advertisement or notice was issued without his knowledge or consent, and that on becoming aware of its issue he forthwith gave reasonable public notice that it was so issued without his knowledge or consent; or that after the issue of such prospectus, advertisement or notice and before allotment or issue of the shares, debenture stock, or other securities as the case may be, he, on becoming aware of any untrue statement therein, withdrew his consent thereto, and caused reasonable public notice of such withdrawal and of the reason therefor, to be given. 54 V. a. 34, s. 4.

57 V. c. 16, ss. 17-22 repealed.

15. Sections 17, 18, 19, 20, 21 and 22 of the Act passed in the 57th year of Her Majesty's reign, entitled *An Act relating to Mines and Mining Lands*, are repealed, and all mining companies, whether heretofore or hereafter incorporated under any general Act in force in this Province, shall be subject to the provisions of this Act.

COMPANIES FOR CONSTRUCTING WORKS ON MINING LANDS.

Incorporation of companies for codstruction of works on mining lands.

16.—(1) Subject to the provisions of *The Ontario Companies Act*, the Lieutenant-Governor in Council may, by Letters Patent under the Great Seal, grant a charter to any number of persons not less than five, who shall petition therefor, constituting the said persons and others who may become shareholders in the company thereby created a body corporate and politic for the purpose of acquiring, holding, constructing, maintaining and repairing roads, bridges, improvements in waterways, and other means of communication and drainage works, and other improvements upon, through, or over or adjacent to, or leading to or from, mining lands.

(2) Every company incorporated under this section shall have power, for carrying out the objects of incorporation only : Powers of companies.

(a) To construct, maintain and keep in repair, roads, bridges, waterways, drainage works and other improvements and means of communication, through, over, or adjacent to, or leading to or from, mining lands.

(b) To acquire by purchase, lease, concession, license, exchange or other legal title, and hold lands and other properties necessary for the construction of such works, and from time to time to sell and dispose of all such lands as may be found to be unnecessary or unsuitable for the purposes of the company.

(c) To demand and receive from persons and corporations for the use of such works, such fees and tolls as may be fixed by the company, subject to approval by the Lieutenant-Governor in Council.

(d) To build, acquire, own, charter, navigate and use, steam and other vessels.

(e) To enter into any arrangements for sharing profits, union of interest, or co-operation with any other person or company, to carry on, or about to carry on, any business or transaction which may be of benefit to any company incorporated under this section.

(f) To do all such acts, matters and things as shall be incidental or necessary to the due attainment of the above objects or any of them.

No. 183.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the incorporation and regulation of Mining Companies.

First Reading, 8th April, 1897.

Mr. GIBSON,
(Hamilton.)

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 184.] **BILL.** [1897.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 2 of section 479 of *The Consolidated Municipal Act, 1892*, is hereby amended by adding the word "weigh-masters" under the word "pound-keepers" in the second line thereof. 55 V. c. 42, s. 49, sub-s. 2, amended.

2. The council of every town and incorporated village shall provide in a convenient place a public weigh scale, and appoint a weigh-master for the municipality, who shall have charge and control of the public weigh scale subject to the provisions and regulations in that behalf made by the council of the municipality. Weigh scales to be provided in towns and villages.

3. Upon the petition of fifty or more bona fide ratepayers of a township resident therein, asking for the establishing of a public weigh scale at a point in the township named in such petition, the council of such township may provide a weigh scale at the place named and appoint a weigh master to have charge and control thereof subject as in the preceeding section provided. Weigh scales in townships.

No. 184.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act to amend The Municipal Act.

First Reading, 8th April, 1897.

Mr. CURRIE.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 185.] BILL. [1887.

An Act respecting Trust Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Ontario Trust Companies Act.*

"Trust company," meaning of.

2. In this Act the expression "trust company" shall mean a company incorporated for the purpose of exercising the powers set forth in the Schedule to this Act or any of them.

Incorporation.

3. Proceedings for the incorporation of any trust company shall hereafter be taken under *The Ontario Joint Stock Companies' Letters Patent Act* (or such other Act, if any, as may be substituted therefor during the present Session of the Legislature), and every trust company heretofore incorporated under such Act or hereafter incorporated shall be subject to the provisions of this Act and also to those of such Act so far as the provisions of the latter Act are applicable and consistent with those of this Act; Provided always that the Lieutenant-Governor in Council may relieve any company heretofore incorporated from compliance with any of the provisions of the said *Ontario Joint Stock Companies Letters Patent Act*, or other Act substituted therefor as aforesaid, as may be deemed expedient.

Companies to which Act applies.

4.—(1) No company shall hereafter be incorporated, or otherwise authorized, by letters patent to execute the office of executor, administrator, trustee, receiver, assignee, guardian of a minor's estate or of committee of a lunatic's estate, and no letters patent shall be granted to any company heretofore incorporated conferring any such powers upon such company, without in either case such company having complied with the provisions of this Act, in addition to what is required in othe-

cases by *The Ontario Joint Stock Companies Letters Patent Act* or other Act substituted therefor as aforesaid. 58 V. c. 32, s. 2.

Three-fourths of stock to be held by residents of Ontario.

(2) At the time of the issuing of the letters patent to any trust company, and always thereafter, at least three-fourths of the stock of the company, exclusive of the stock held by companies, shall be held by persons who are residents of this Province. 58 V. c. 32, s. 3.

Notice of application to be served on other trust companies.

(3) Within three days after the notice for the letters patent first appears in the *Ontario Gazette* a copy thereof shall be served on every trust company theretofore incorporated by Act of the Legislature or by letters patent. 58 V. c. 32, s. 4.

Capital stock.

(4) The capital stock of the company shall be paid up to the extent of at least $100,000 before the Letters Patent issue. 58 V. c. 32, s. 6.

Report on fitness of applicants for incorporation.

(5) When application is made for Letters Patent incorporating a trust company or granting to a trust company any of the said powers the applicants shall satisfy the Provincial Secretary (or any other member of the Executive Council who may be charged with the duty by Order of the Lieutenant-Governor in Council) respecting the fitness of the applicants for the discharge of the duties appertaining to such trust, and that the same is such as to command the confidence of the public, and also that the public convenience and advantage would be promoted by granting to the proposed company the powers aforesaid; and the Minister aforesaid shall report on the said particulars for the consideration of the Lieutenant-Governor in Council. 58 V. c. 32, s. 7.

Companies not to act as guardians or committees.

5. No company shall receive authority by Letters Patent to become or be appointed guardian of the persons of infants or committee of the persons of lunatics. 58 V. c. 32, s. 5.

Fitness of applicants to act as trust company.

6. The Letters Patent shall not issue unless the Lieutenant-Governor in Council is in like manner satisfied that the general fitness of the applicants for the discharge of the duties appertaining to such trusts as aforesaid is such as to command the confidence of the public, so that the public convenience and advantage will be promoted by granting to the company the powers applied for. 58 V. c. 32, s. 8.

Powers of trust companies.

7. Any trust company to which this Act applies may, subject to the conditions and provisions of this Act, have granted to such company by Letters Patent the powers mentioned in the Schedule hereto, or such of them as the Lieutenant-Governor in Council sees fit. 58 V. c. 32, s. 9.

Appointment of companies to act as trustee, etc.

8.—(1) Where a trust company incorporated under a special Act or under *The Ontario Joint Stock Companies Letters Patent Act* or other Act substituted therefor as aforesaid

is authorized to execute the office of executor, administrator, trustee, receiver, assignee, guardian of a minor, or committee of a lunatic, then in case the Lieutenant-Governor in Council approves of such company being accepted by the High Court as a Trusts Company for the purposes of such Court, the said Court, or any Judge thereof, and every other Court or Judge having authority to appoint such an officer, may, with the consent of the company, appoint such company to exercise any of the said offices in respect of any estate, or person, under the authority of such Court or Judge, or may grant to such company probate of any will in which such company is named an executor; but no company which has issued, or has authority to issue, debentures shall be approved as aforesaid.

Company so licensed may be sole Trustee.

(2) A trust company so approved may be appointed to be a sole trustee, notwithstanding that, but for this Act, it would be necessary to appoint more than one trustee, and may also be appointed trustee jointly with another person. 54 V. c, 33, s. 1.

(3) Such appointment may be made whether the trustee is required under the provisions of any deed, will or document creating a trust, or whether the appointment is under the provisions of *The Act respecting Trustees and Executors and the Administration of Estates*, or otherwise. 54 V. c. 33, s. 2.

(4) Notwithstanding any rule of practice, or any provision of any Act requiring security, it shall not be necessary for such company to give any security for the due performance of its duty as such executor, administrator, trustee, receiver, assignee, guardian or committee, unless otherwise ordered.

(5) The Lieutenant-Governor in Council may revoke the approval given under this section, and no Court, or Judge, after notice of such revocation, shall appoint any such company to be an administrator, trustee, receiver, assignee, guardian, or committee, unless such company gives the like security for the due performance of its duty as would be required from a private person. R. S. O. 1887, c. 157, s, 74.

Liability of company acting as trustee

9. The liability of a trust company to persons interested in an estate held by the company as executor, administrator, trustee, receiver, assignee, guardian, or committee as aforesaid, shall be the same as if the estate had been held by any private person in the like capacity, and its powers shall be the same. R. S. O. 1887, c. 157, s. 75,

Investigation of affairs of company.

10.—(1) The High Court, if it deems necessary, may from time to time appoint a suitable person to investigate the affairs and management of any trust company; and such person shall report thereon to the Court, and regarding the security afforded to those by or for whom the engagements of the company are held, and the expense of such investigations shall be

defrayed by the company; or the Court may, if it deems necessary, examine the officers or directors of the company under oath as to the security aforesaid.

(2) The Lieutenant-Governor may also from time to time, when he deems it expedient, appoint an inspector to examine the affairs of any such company, and report to him on the security afforded to those by and for whom its engagements are held as aforesaid; and the expense of the investigation shall be borne by the company. R. S. O. 1887, c. 157, s. 76.

Deposit with company of money paid into Court.

11.—(1) Every Court into which money is paid by parties, or is brought by order or judgment, may by order direct the same to be deposited with any trust company that may agree to accept the same, and the company may pay any lawful rate of interest on such moneys as may be agreed upon, and when no special arrangement is made, interest shall be allowed by the company at the rate of not less than three per centum annually.

Mode of investment.

(2) Every trust company may invest any trust moneys in its hands in any securities in which private trustees may by law invest trust moneys, and may also invest such moneys in the public stock funds or Government securities of any of the Provinces of the Dominion, or in any securities guaranteed by the United Kingdom of Great Britain and Ireland, or by the Dominion, or by any of the said Provinces; or in the bonds or debentures of any municipal corporation in any of the said Provinces;

Provided that such company shall not in any case invest the moneys of any trust in securities prohibited by the trust, and shall not invest moneys intrusted to it by any Court in a class of securities disapproved of by the Court. R. S. O. 1887, c. 157, s. 77.

Trust companies not to issue debentures.

12. No company incorporated under *The Ontario Joint Stock Companies Letters Patent Act*, or other Act substituted therefor as aforesaid, with power to execute the office of executor, administrator, trustee, receiver, assignee, guardian of a minor, or committee of a lunatic, shall issue debentures. R. S. O. 1887, c. 157, s. 78, *part*.

SCHEDULE C.

(SECTION 89.)

Powers which may be given to Trust Companies.

To take, receive and hold all estates and property, real and personal, which may be granted, committed, transferred, or conveyed to them with their consent, upon any trust or trusts whatsoever (not contrary to law) at any time or times, by any person or persons, body or bodies corporate, or by any court in the Province of Ontario.

To take and receive on deposit, upon such terms and for such remuneration as may be agreed upon, deeds, wills, policies of insurance, bonds debentures, or other valuable papers or securities for money, jewelry, plate or other chattel property of any kind, and to guarantee the safe keeping of the same ;

To act generally as attorney or agent for the transaction of business, the management of estates, the collection of loans, rents, interest, dividends, debts, mortgages, debentures, bonds, bills, notes, coupons and other securities for money ;

To act as agent for the purpose of issuing or countersigning certificates of stock, bonds or other obligations of any association, or corporation, municipal or other ;

To receive, invest and manage any sinking fund therefor on such terms as may be agreed upon ;

To accept and execute the offices of executor, administrator, trustee, receiver, assignee, or of trustee for the benefit of creditors under any Act of the Legislature of the Province of Ontario ; and of guardian of any minor's estate, or committee of any lunatic's estate ; to accept the duty of and act generally in the winding up of estates, partnerships, companies and corporations ;

To guarantee any investments made by them as agents or otherwise ;

To sell, pledge or mortgage any mortgage or other security or any other real or personal property held by the company from time to time, and to make and execute all requisite conveyances and assurances in respect thereof ;

To make, enter into, deliver, accept and receive all deeds, conveyances, assurances, transfers, assignments, grants and contracts necessary to carry out the purposes of the said company, and to promote the objects and business of the said company ;

And for all such services, duties and trusts to charge, collect and receive all proper remuneration, legal, usual and customary costs, charges and expenses. 58 V. c. 32 Sched, A.

No. 185.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting Trust Companies.

First Reading, 8th April, 1897.

Mr. GIBSON,
(Hamilton).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 186.] **BILL.** [1897

An Act respecting the Changing of the Names of Incorporated Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Applications to Lieutenant-Governor to change names of companies.

1. Where an incorporated company within the legislative authority of the Legislature of this Province, whether incorporated under a special or general Act, is desirous of changing its name, the Lieutenant-Governor, upon being satisfied that the Company is in a solvent condition, and that the change desired is not for any improper purpose, and is not otherwise objectionable, may, by Order-in-Council, change the name of the company to some other name set forth in the said Order. R. S. O. 1887, c. 178, s. 1.

Regulations as to notice.

2. The Lieutenant-Governor-in-Council may make regulations respecting the notice (if any) to be given of the application for change of name under this Act.

In case proposed name is objectionable.

3. In case the proposed new name is considered objectionable, the Lieutenant-Governor-in-Council may, if he thinks fit, change the name of the company to some other unobjectionable name without requiring any further notice to be given. R S O. 1887, c. 178, s. 3.

Change to be published in *Gazette*.

4. The change of name shall be conclusively established by the insertion in *The Ontario Gazette* of a notice thereof by the Provincial Secretary. R. S. O. 1887, c. 172, s. 5.

Change not to affect actions or contracts.

5. No contract or engagement entered into by or with the company, and no liability incurred by it shall be affected by the change of name: and all actions commenced by or against the company prior to the change of name may be proceeded with or against by the company under its former name. R.S.O. 1887, c. 178, s. 6.

Rev. Stat. c. 178, ss. 2, 4, 7, repealed.

6. Sections 2, 4 and 7 of *An Act respecting the Changing of the Names of Incorporated Companies*, being the Revised Statute, 1887, chapter 178, are hereby repealed.

No. 186.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting the Changing of the Names of Incorporated Companies.

First Reading, 9th April, 1897.
Second Reading, 9th April, 1897.

Mr. GIBSON,
(Hamilton.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 187.] BILL. [1897.

An Act respecting Aid to certain Railways.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Aid granted.

1. There shall be granted out of the Consolidated Revenue Fund for the construction of the portions of railways hereinafter mentioned the sums following, that is to say:—

Ontario and Rainy River Railway.

(1) To the Ontario and Rainy River Railway from a point at the westerly end of the eighty miles heretofore aided, running west and south to Swell Bay, a distance not exceeding eighty-five miles, a cash subsidy of $3,000 a mile.

Montreal and Ottawa Railway.

(2) To the Montreal and Ottawa Railway, to aid in the construction of fifty miles of the said railway constructed to the boundary line between the township of East Hawkesbury, in the Province of Ontario and the Province of Quebec, and being a continuation thereof westward from the said boundary line through the said township of East Hawkesbury and the townships of West Hawkesbury, Caledonia, Alfred, Plantagenet and Clarence, and to pass through or near the villages of Vankleek Hill, Alfred, and Plantagenet, in the county of Prescott, $34,000, and the portion of the unearned subsidy of $100,000 which was granted to the Vaudreuil and Ottawa Railway Company in 1892, and which was in the year 1893 transferred to the Central Counties Railway Company, subject to certain conditions, instead of to the said Vaureuil and Ottawa Railway Company, and which unearned portion amounts to $66,000, is hereby transferred to the Montreal and Ottawa Railway Company to assist in the construction of the above mentioned fifty miles of the said railway.

Manitoulin and North Shore Railway.

(3) To the Manitoulin and North Shore Railway, a distance not exceeding thirteen miles additional, owing to a change of route occasioned by insurmountable engineering difficulties, a cash subsidy of $3,000 a mile.

Tilsonburg, Lake Erie and Pacific Railway.

(4) To the Tilsonburg Lake Erie and Pacific Railway, from a point at the southerly terminus of that road to Tilsonburg, a distance not exceeding 3 $\frac{262}{1000}$ miles, a cash subsidy of $2,000 a mile

Ottawa, Arnprior and Parry Sound Railway.

(5) To the Ottawa, Arnprior and Parry Sound Railway from Eganville south-easterly towards Renfrew, a distance not exceeding ten miles, a cash subsidy of $2,000 a mile.

52 V. c. 35, s. 2, to apply.

2. All the provisions of section 2 of chapter 35 of the Acts passed in the 52nd year of Her Majesty's reign, respecting the option of substituting half-yearly payments for forty years in lieu of a cash payment, and all the conditions provided by section 3 of the said Act shall apply to the grants hereby made.

Conditions attached to grants.

3. The subsidies hereby granted shall be subject to the following conditions:—

Information to be given to Commissioner of Public Works.

(1) Each of the said companies shall furnish such information as to the location and plans of passenger and freight stations on the line of its railway as may from time to time be required by the Commissioner of Public Works, and in every case payment of the said subsidies shall be subject to compliance with such directions as may be given by the Commissioner of Public Works from time to time for the erection of stations and the number of, and intervals at which stoppages shall be made, at such stations for the accommodation of the public.

Fire protection.

(2) Every company to which aid is granted by this Act, shall comply with such regulations as may from time to time be made by the Lieutenant-Governor in Council for the protection from fire of the woods and forests adjoining the line of the railway.

Subsidies to lapse if not earned in five years.

4. So much of the subsidies granted to each of the said railways as is not earned within five years from the time of the passing of this Act shall lapse and revert to the Consolidated Revenue Fund of the Province.

Rolling stock and railway supplies to be of Canadian manufacture.

5. The subsidies hereby granted and the subsidies granted to railway companies by any Act heretofore passed and which have not been earned or assigned or hypothecated prior to the passing of this Act, shall be further subject to the condition that the companies to which the same are granted shall, as far as practicable, construct, equip and operate their lines of railway with railway supplies and rolling stock of Canadian manufacture, whenever such railway supplies and rolling stock can be procured as cheaply and upon as good terms in Canada as elsewhere, having regard to quality and price among other things, and unless the Lieutenant-Governor in Council shall approve of the same being procured elsewhere.

No. 187.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act respecting Aid to certain Railways.

First Reading, 9th April, 1897.
Second Reading, 9th April, 1897.
Third Reading, 10th April, 1897.

Mr. HARCOURT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 188.] **BILL.** [1897

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and ninety-seven, and for other purposes therein mentioned.

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS it appears by messages from His Honour Colonel Sir Casimir Stanislaus Gzowski, Administrator of the Government of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand eight hundred and ninety-seven; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:—

$3,708,872.63 granted out of the Consolidated Revenue Fund for certain purposes.

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of three million seven hundred and eight thousand, eight hundred and seventy-two dollars and sixty-three cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thou-

sand eight hundred and ninety-seven as set forth in schedule A to this Act; and for the expenses of Legislation, Public Institutions' Maintenance and Salaries of the Officers of the Government and Civil Service for the month of January, one thousand eight hundred and ninety-eight as set forth in schedule B to this Act.

Accounts to be laid before the Legislature.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under schedule A of this Act shall be laid before the Legislative Assembly at its next sitting.

Unexpended moneys.

3. Any part of the money under schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and ninety-seven, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure to be accounted for to Her Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and ninety-seven and the purposes for which they are granted.

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto

Government House	$ 1,500 00
Lieutenant-Governor's Office	3,980 00
Executive Council and Attorney-General's Office	20,175 00
Education Department	19,950 00
Crown Lands Department	62,330 00
Department of Public Works	22,200 00
Treasury Department	43,450 00
Provincial Board of Health	7,950 00

CIVIL GOVERNMENT.—*Continued.*

Secretary and Registrar's Department	19,550 00	
Inspection of Public Institutions	15,500 00	
Insurance Branch	7,950 00	
Department of Agriculture	18,060 00	
Immigration Branch	1,800 00	
Miscellaneous	9,800 00	
		$254,195 00

LEGISLATION.

To defray expenses of Legislation	127,100 00

ADMINISTRATION OF JUSTICE.

To defray expenses of:—		
Supreme Court of Judicature	$67 218 00	
Surrogate Judges and Local Masters	20,722 00	
Miscellaneous Criminal and Civil Justice	357,904 64	
		$445,844 64

EDUCATION.

To defray expenses of Public and Separate School Education :—		
Aid from Municipalities Fund	$ 2,387 98	
Public and Separate Schools	240,000 00	
Poor and District Schools	50,000 00	
Kindergarten Schools	3,000 00	
Night Schools	1,000 00	
Public School Leaving and Continuation Classes	15,000 00	
62 Model Schools (including reference books)	11,450 00	
French-English Training Schools	1,600 00	
Teachers' Institutes and District Training Schools	4,100 00	
Inspection of Public Schools	39,450 00	
Two Inspectors of Separate Schools	3,550 00	
Two Inspectors in Districts	3,000 00	
One Inspector of Model Schools	1,850 00	
One Director of Teachers' Institutes	1,850 00	
Travelling expenses six inspectors	2,400 00	
Stationery, postage and incidentals	1,400 00	
Examiners for Departmental Examinations	20,000 00	
Paper, postage and supplies for Examinations and assistant	2,000 00	
Salary of Printer	950 00	
Salary of Clerk	800 00	
Secretary, Boards of Examiners	350 00	
Registrar, Education Department	1,750 00	
Normal and Model School, Toronto	24,680 00	
" " " Ottawa	22,210 00	
Provincial Education Association	300 00	
Total Public and Separate School Education		$455,077 98

EDUCATION.—*Continued.*

High Schools and Collegiate Institutes	$114,450 00	
Library and Museum	5,300 00	
School of Practical Science	21,750 00	
Public Libraries, Art Schools, Literary and Scientific	56,000 00	
Miscellaneous	4,050 00	
Superannuated Public and High School Teachers	61,300 00	
		$717,927 98

PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of :—		
Asylum for the Insane, Toronto.....	$97,287 00	
Asylum for the Insane, London	130,100 00	
Asylum for the Insane, Kingston	75,154 00	
Asylum for the Insane, Hamilton	115,885 00	
Asylum for the Insane, Mimico	76,446 00	
Asylum for Insane, Brockville	50,335 00	
Asylum for Idiots, Orillia.....	59,098 00	
Central Prison, Toronto.....	60,025 00	
Provincial Reformatory, Penetanguishene	31,930 00	
Institution for the Deaf and Dumb, Belleville.	44,791 00	
Institution for the Blind, Brantford	33,972 00	
Mercer Reformatory for Females.....	22,575 00	
		$797,598 00

IMMIGRATION.

To defray expenses of a grant in aid of Immigration	10,325 00

AGRICULTURE.

To defray expenses of a grant in aid of Agriculture....	196,627 00

HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities	192,879 40

MAINTENANCE AND REPAIRS OF GOVERNMENT AND DEPARTMENTAL BUILDINGS.

Government House.....	$6,500 00
Old Parliament Buildings.....	750 00
New Parliament and Departmental Buildings.	26,970 00
Attorney-General's Department	550 00
Crown Lands Department	1,470 00
Treasury Department	900 00
Provincial Secretary's Department	1,100 00
Department of Agriculture	700 00

MAINTENANCE AND REPAIRS.—*Continued.*

Department of Public Works	$ 500 00	
New Parliament Buildings, exclusive of Departments	2,000 00	
Education Department (Normal School Building)	9,200 00	
Miscellaneous	3,480 00	
Normal School, Ottawa	4,150 00	
School of Practical Science	4,025 00	
Agricultural College	6,800 00	
Osgoode Hall	8,840 00	
		$77,935 00

PUBLIC BUILDINGS.

Asylum for the Insane, Toronto	$ 4,000 00	
Asylum for the Insane, Mimico	13,100 00	
Asylum for the Insane, London	8,525 00	
Asylum for the Insane, Hamilton	18,855 00	
Asylum for the Insane, Kingston	8,100 00	
Asylum for the Insane, Brockville	17,300 00	
Asylum for Idiots, Orillia	13,300 00	
Central Prison, Toronto	5,250 00	
Reformatory, Penetanguishene	1,325 00	
Reformatory for Females, Toronto	1,625 00	
Deaf and Dumb Institute, Belleville	2,800 00	
Blind Institute, Brantford	2,980 00	
Agricultural College, Guelph	9,925 00	
Normal School and Education Depart't, Toronto	11,700 00	
Normal School, Ottawa	3,000 00	
School of Practical Science, Toronto	4,550 00	
Osgoode Hall, Toronto	3,326 00	
New Parliament Buildings	12,596 00	
Algoma District	2,150 00	
Thunder Bay District	900 00	
Muskoka District	200 00	
Parry Sound District	300 00	
Nipissing District	2,300 00	
Rainy River District	2,200 00	
Normal School, London	7,500 00	
Western Dairy School	500 00	
Eastern Dairy School	2,700 00	
Miscellaneous	5,000 00	
		$166,007 00

PUBLIC WORKS.

To defray expenses of Public Works	51,814 00

COLONIZATION ROADS.

To defray expenses of Construction and Repairs	98,940 00

CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands		$198,475 00

REFUNDS.

Education	$1,000 00	
Crown Lands	32,000 00	
Municipalities Fund	973 28	
Land Improvement Fund	2,531 33	
		36,504 61

STATUTE CONSOLIDATION.

To defray expenses of Statute Consolidation	40,000 00

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure	166,700 00

UNFORESEEN AND UNPROVIDED.

To defray unforeseen and unprovided expenses	50,000 00
Total estimates for expenditure of 1897.....	$3,628,872 63

SCHEDULE B.

SUM granted to Her Majesty by this Act for the year one thousand eight hundred and ninety-eight, and the purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions' Maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1898.....	$80,000 00
Total.....	$3,707,772 63

No. 188.

3rd Session, 8th Legislature, 60 Vict., 1897.

BILL.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and ninety seven, and for other purposes therein mentioned.

First Reading, 9th April, 1897.
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Mr. HARCOURT.

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